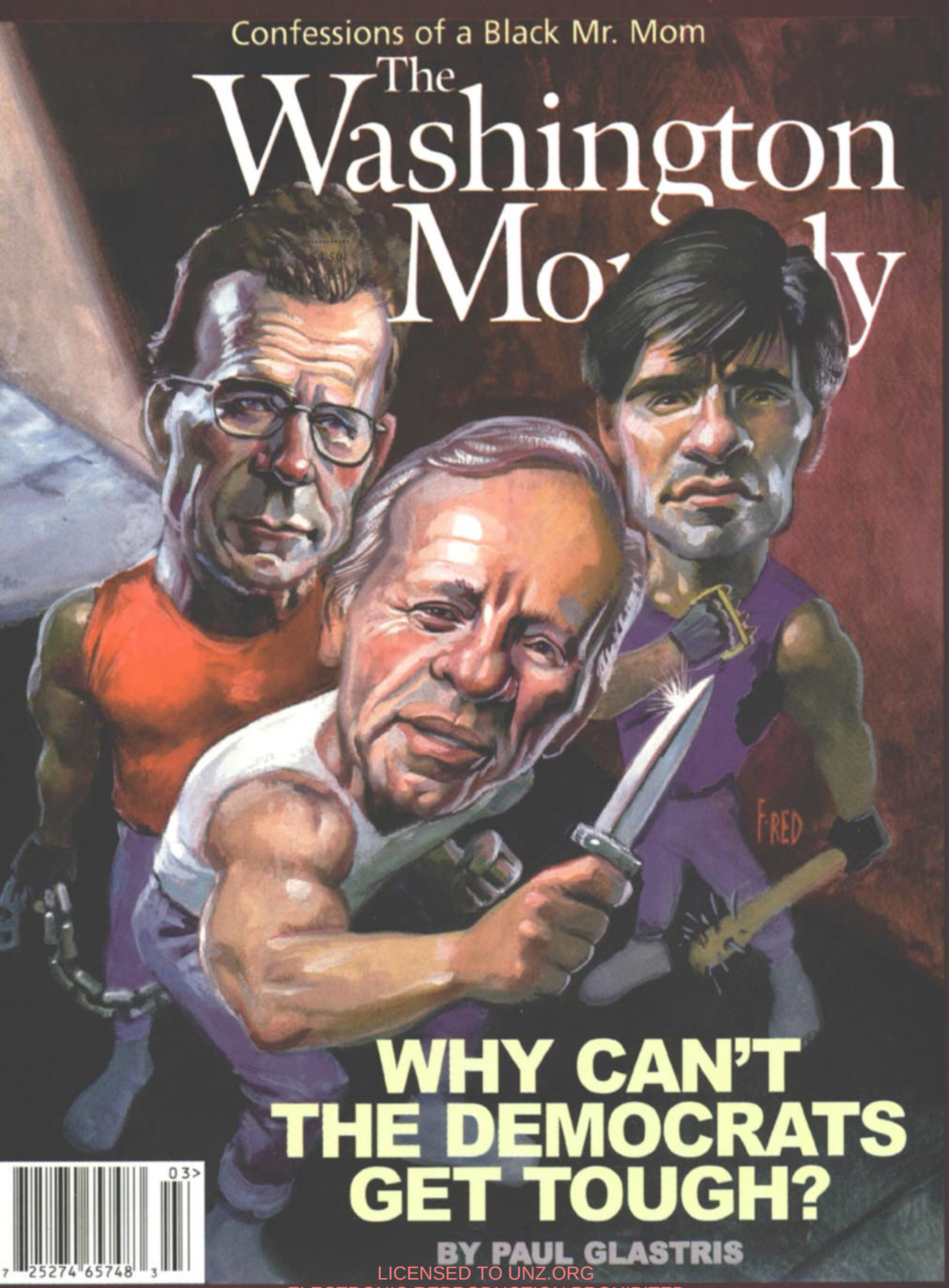
Confessions of a Black Mr. Mom

The Washington Monthly



WHY CAN'T THE DEMOCRATS GET TOUGH?

BY PAUL GLASTRIS

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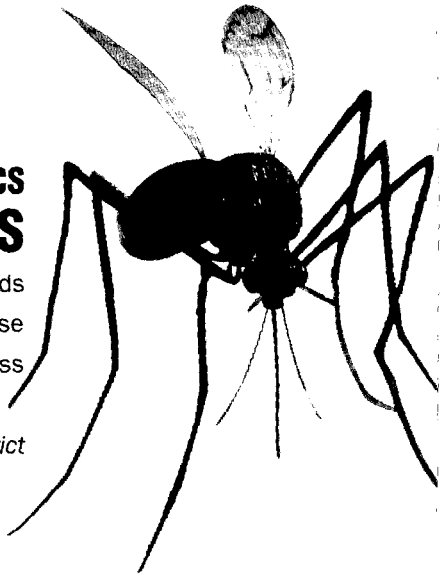
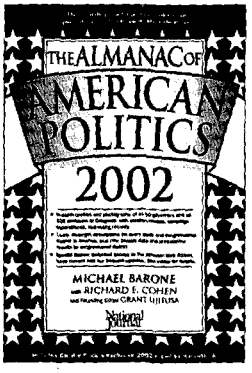
EVERYTHING YOU NEED TO KNOW ABOUT AMERICAN POLITICS

INCLUDING BLOOD-SUCKING WHINERS

"Behind the Shore are swamp and flatland, the Pine Barrens and vegetable fields that give New Jersey the name 'Garden State.' Growth has been slow in these small towns and gas station intersections, communities in whose eerie calmness in the summer you can hear mosquitoes whining."

—*The Almanac of American Politics on New Jersey's 2nd Congressional District*





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Letters

Marrying Mohammed Atta

Charles Peters asks how to reduce the unusually high percentage of (terror-prone) young, single males in Islamic countries ("Tilting at Windmills," December 2001). I suspect that the elimination of polygamy would likely help increase the number of available women and, hence, increase the marriage rate.

STEVE LANSET
Hoboken, N.J.

Peters is indeed tilting at windmills when he recommends tackling the problem of "large numbers of young, single males" in Islamic countries as a way of reducing the pool of potential terrorists. Lee Harvey Oswald, who was married, shared an inability to get along with women and a consequent frustration.

R. T. DAVIES
FORMER POLITICAL OFFICER,
U. S. EMBASSY, KABUL
Silver Spring, Md.

Starving Public Health

Stephanie Mencimer ("Rich Man, Spore Man," December 2001) is tacitly critical of the Republican-led destruction of public health services, and the resultant increase in Americans without health insurance—changes that affect mainly working people and the poor; but she mainly appeals to enlightened self-interest, arguing that citizens must renovate the public health system because an epidemic will harm everyone. The first argument contains the class-based moral charge and vision of a genuine public health system that could mobilize currently disenfranchised working and poor people to return to the voting booth. The second looks to political centrists and an enlightened right to weigh in on the Democratic side and repair the system—not because all citizens deserve healthcare and government can tax the rich and give the leadership to provide it, but to protect themselves. In essence, a rationale for Democratic policies without old-fashioned Democratic appeals to social justice and class.

This appeal will fail. In modern stratified societies, epidemics do not affect rich and poor equally, as rich and poor know well. It is simply too easy to rig the present system to provide immunization services without constructing a comprehensive healthcare system, as the affluent know well. It should be no surprise, then, that the possibility of an epidemic has not slowed the Republican agenda one iota. On the contrary, their "stimulus" package was calculated not just to further enrich the wealthy but to starve federal government out of being able to afford projects such as she envisions.

PAUL JACKSON
New York, N.Y.

Another Prescription for Fat

It's about time someone looked at the obesity epidemic as a public health issue the way Tom Farley and Deborah Cohen did ("Fixing a Fat Nation" December 2001). They note the pervasive advertising and availability of fast food, snack food, and junk food and our cultural habit of consuming sweet and fatty foods as a treat. Those are powerful determinants of our eating habits and tough influences to overcome. One potential force in the obesity struggle that the article neglected was doctors, who for most of us retain an authoritative role on health matters. It appears that physicians have generally bowed out of the struggle against obesity. Despite the drubbing physicians have taken in the press of late, we still listen to their advice, and many of us try hard to comply with their recommendations. Although there are many effective evidence-based strategies to lose and control weight—all of them involving exercise—a recent study found that only half of physicians say they counsel all their patients about the importance of regular exercise.

JESSIE C. GRUMAN
PRESIDENT, CENTER FOR THE
ADVANCEMENT OF HEALTH
Washington, D.C.

Naval Maneuvering

As a Navy engineer, I'm pleased to hear that the Navy is doing something correctly ("Studs and Duds," by Eric Umansky, December 2001). Most of us in the Navy civil service work tirelessly to provide the war fighter the best possible product. Ben R. Rich, the one-time head of Lockheed's aircraft developer in Burbank, Calif., wrote a book called *Skunk Works* in which he described the famous site where the U-2, SR-7, F-117 and the B-2 discussed in your article were all developed. In the book, Rich described the "10 Commandments" of a contractor, one of which was never to work with the Navy since "they will break your back, your balls, and your spirit." It is good to hear that that hard-nosed approach is paying off.

DR. WILLIAM J. SCHARPF
NAVAL RESEARCH LABORATORY
Washington, D.C.

"Studs and Duds" is based on a fundamentally flawed thesis that the Navy's rigorous testing of its systems results in better weapons on the battlefield. The Joint Standoff Weapon (JSOW), which the author, without any evidence, holds up as a model weapons program, was originally conceived as a "joint" weapon with the Air Force. It has suffered a host of serious technological setbacks in recent months. The program is not "fully operational." In fact, until significant software problems are corrected, final production JSOWs cannot be used by Navy F-18 or Air Force F-16 aircraft. The JSOWs used in Iraq, Kosovo, and—in very limited numbers—Afghanistan, are early-production models. The story also grossly misrepresents the development of remotely piloted vehicles like Predator and Global Hawk. Both were developed by defense agencies (not the Air Force), without the cumbersome framework of regulations that burden traditional acquisition programs. To suggest that either would be in better shape had it gone through the Navy's testing program is ridiculous. How many remotely piloted vehicles has the Navy developed in the past 10 years? Zero.

JOHN ROBINSON
MANAGING EDITOR
Defense Daily
via email

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As a defense reporter who followed the Air Force's Predator and Global Hawk programs, I'd like to point out a couple of inconsistencies in Umansky's article. Predator didn't follow the Pentagon's typical acquisition and testing process because it began as an "advanced concept technology demonstration"—an effort to swiftly field useful technologies. In fact, the Predator has been a victim of its own success. The program began in the early '90s, with its first flight only a few years later. By the late '90s the demonstration vehicles were flying combat missions in Bosnia and later over Kosovo. Weather problems have indeed been a problem. But the service is now procuring more de-icing kits to mitigate losses to weather. While the military has certainly made its share of egregious errors acquiring and employing systems, I don't think Predator was the best example.

AMY BUTLER
MANAGING EDITOR
Inside the Air Force
via email

Umansky muses of the V-22 Osprey that "had it gone through the Navy's testing system, the Osprey might be available to commanders in the field right now." The truth is, all U.S. Marine Corps aircraft, including the V-22, are developed and tested at the direction of the Navy's acquisition and test communities. The V-22 is actually one of the Navy's most embarrassing examples of how test results were ignored, overlooked, and misrepresented en route to acquisition milestones.

BRENT CRABTREE
INSTITUTE FOR DEFENSE ANALYSES
Alexandria, Va.

Umansky Replies: The Pentagon considers the JSOW program to be "Navy-led." As for Mr. Robinson's assertion that I held it up as "a model weapons program," I simply said, "It works." My evidence for that, as the piece made clear, is the Pentagon's own finding that JSOW "exceeded requirements" in Iraq. And so what if the Navy hasn't developed remotely piloted vehicles? My point wasn't that they develop every weapon. What sets the Navy apart is its commitment to a forward-thinking approach to testing every weapon. Regarding the Predator, Ms. Robinson is correct to note its accelerated development track, which I should have mentioned. But that doesn't change the fact that the system wasn't adequately tested: A decade into its development, the Pentagon still hasn't adequately tested the Predator. The Air Force could have chosen to fund further testing and deploying. Instead, it de-emphasized testing and paid a price. To Mr. Crabtree's assertion about the V-22 Osprey, the GAO agrees it was a "Marine Corps aircraft" developed with "Marine Corps requirements." Also: due to an editing error, the newsletter "Inside the Pentagon" was misidentified.

Honored Service

A December letter by Nelson Marans ("T.V. Diplomacy") attacked me and opinions I expressed on the Fox News Channel. I'd like to respond: Our nation trained me to report others' views. While the messages may not always be what we want to hear, they should generate intelligent consideration, not attacks on the messenger. I twice served with the paratroops and had the honor of representing America as a diplomat through war, coups, attacks on my home and office, life-threatening illnesses, and four family separations for security or health reasons. My patriotism is second to none and is not open to question, certainly not by someone as uninformed as Mr. Marans.

EDWARD L. PECK
AMBASSADOR, RETIRED
via email

APOLOGY:

In "Broken-Fingernail Feminism" in the November 2001 issue of The Washington Monthly, *the description of the circumstances of Leonard Wolf's arrest should have explained that Wolf was arrested after a group of Yippies danced nude, without his knowledge or permission, at a San Francisco conference on runaway kids he helped organize. When the police broke up the dance, Wolf was erroneously caught in the raid, and was later acquitted. He had no role in organizing the dance, nor was he a participant.*

We should not [illegible] Professor Wolf or his [illegible] participation in the nudity nor should we have suggested that these events had any effect on Naomi Wolf's development.

We extend our apologies to Naomi Wolf and to her parents, Professor [illegible] and Dr. Deborah Wolf, for any misunderstanding caused by these statements.

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Tilting at Windmills

By Charles Peters

Outed Farmers • Plane Too Far • Careless Cooks

Philby of the FBI • NBC's Shame • Bribes for Admission

Bob Woodward and Dan Balz have written a series for *The Washington Post* called "10 Days in September: Inside the War Cabinet." It's one of those hour-by-hour, day-by-day accounts that's called a "tick-tock" in the news business ("At 9:32 a.m.," etc.). These stories are often heavily laden with portentous quotes. Sometimes, however, authors have to stretch a bit in their search for drama. This seems to have happened with Woodward and Balz as they recounted the events after the airliner crashed into the Pentagon. They tell of Donald Rumsfeld rushing to the scene, helping the victims, then announcing, "I'm going inside."

If he had meant he was going inside the burning wreckage to rescue victims, that would have been dramatic. But all he meant was that he was going back to his office on the other side of the Pentagon. Similar quotes continue throughout the series. After Bush approves the final version of his September speech to Congress, his words, "Let's go tell Congress," are deemed momentous enough that they are not only quoted but also repeated in a photo caption. The series concludes with Bush's statement about his return to the White House on September 11: "Once I got back here, I said, 'I'm here.'"

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The picture of the underpaid civil servant lingers despite several decades of annual raises. It is true that federal pay is not competitive with Hollywood, Wall Street, or professional sports. But the average federal worker in the Washington area now makes $68,652 a year, according to *The Washington Post*'s Stephen Barr. If this figure were better publicized—along with the fact that the salary is accompanied by vacation, health, and pension benefits far more generous than those offered by most of the private sector—it might inspire increased interest in government careers around the country. Sixty-eight thousand dollars may look modest in a few big cities, but to most Americans it represents a very nice income indeed.

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Demonizing Iraq may be justified, but why did Bush feel he had to include Iran and North Korea when there seemed to be a prospect for improved relations with those countries? I'm especially suspicious about North Korea, which I strongly suspect has to be made into a bad guy so that Bush can justify his anti-ballistic missile program. Is there any evidence that North Korea is sponsoring terrorism today? Nicholas Kristoff of *The New York Times* says the last instance was in 1987. And the danger from their missile program seems almost laughable. They do not have a missile that could come close to the United States, and they know that if they developed one and fired it at us, we would obliterate them.

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Did you know that more than a decade ago, the FBI traitor Robert Hanssen's brother-in-law, Mark Wauck, who was himself an FBI agent, told his superiors that "Hanssen had an extraordinary amount of cash at home and had been spending too much money for someone on an FBI salary"? According to *The Washington Post*'s David Vise, "He told Bureau officials that he suspected his brother-in-law was spying for the Russians." What happened next? Nothing. There can be only two possible conclusions: One is that the FBI is even less pulled together than we thought. The other is that there was and maybe still is another Russian spy sabotaging an investigation of a fellow agent, as Kim Philby's ring in England did.

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If you sensed a pro-administration tilt to journalism in the months after September 11, Bill Kovach and Tom Rosenteil of the Project for Excellence in Journalism say it isn't just your imagination: "Less than 10 percent of the coverage of administration policy offered significant dissent."

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The 100 to 1 disparity between sentences for drug offenses involving crack cocaine and powder cocaine is one of the great disgraces of the criminal justice system. Its racial character—blacks tend to use crack; whites, powder—is nothing less than repugnant. The good news is that two conservative Republican senators, Orrin Hatch and Jeff Sessions, are proposing to do something about the problem. The bad news is that their bill would still leave a disparity of 20 to 1 in the number of grams of cocaine required to put an offender in prison for five years.

One clearly desirable provi-

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sion of the Hatch-Sessions bill would allow for lower sentences for bit players—the girlfriend who is asked to transport some drugs and does so unthinkingly. "We have provided tougher sentences for the organizers who used violence," Sessions tells Gary Fields of *The Wall Street Journal*, and "easier sentences for those who were small role players."

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DICK CHENEY IS FAR MORE CONservative than I am, but I've always admired his effectiveness as a public servant and his decency as a man. So I'm deeply troubled by his apparent determination to follow Dick Nixon's example and use executive privilege to conceal embarrassing facts. His fellow Republicans, who crucified Hillary Clinton for similar secretiveness about Whitewater and her health-reform task force, are not going to be able to mount a persuasive defense on his behalf. Already we know from an Enron memo leaked to *The San Francisco Chronicle* that "several of the positions in the memo subsequently made it into Cheney's energy plan or were reflected in comments by senior administration officials."

No one can doubt that Enron exercised enormous influence over administration policy. Ken Lay seems even to have had the right of approval in the hiring of federal energy officials. *Newsweek*'s Jonathan Alter has discovered that at least four of them were "'interviewed' by the man they were supposed to be regulating."

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JOSHUA GREEN'S ARTICLE last month ("The *Other* College Rankings," January/February 2002) revealed that many colleges were getting around the community-service requirement by redefining service so loosely that, as one official put it, "if the student picks up the phone, it's community service." The American military long ago mastered this art. When told to reduce sailing time during the 1970s energy crisis, the Navy announced it had cut this by 20 percent. What happened was that the Navy excluded from the definition the time spent going from the home port to join the fleet at sea. During the Gulf War, the Pentagon defined a mission as completed when a plane arrived at its target. Whether it dropped its bombs or not, or whether they hit the target, was not deemed relevant. The more serious the threat, the more creative the military mind becomes. When generals were faced with a demand that they pay the full cost of their meals at the Pentagon's dining room, they immediately redefined "cost" to exclude the salaries of the cooks and waiters, not to mention the cost of the kitchen equipment.

I strongly suspect that North Korea has to be made into a bad guy so that Bush can justify his anti-ballistic missile program.

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BETHANY MCLEAN, THE *Fortune* reporter who was the first journalist to blow the whistle on Enron, says that "in accounting, there is no fundamental truth underlying it. It's just based on rules. These rules create an incentive to get around rules." That's a bit unfair. Good accounting does have some relation to the truth, but even the best intentioned can mislead. At the *Monthly*, we have had several profits none of us has ever seen and several losses in years when the reality seemed no different from the years when we were supposed to be in the black.

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THE SAT PREP COURSES seem dubious enough. Why should the more affluent be able to gain an edge on college admissions simply because they can afford to take these courses? Now we have a new service that, again for a fee, helps students with those essays required for college applications. There are now, according to *The Wall Street Journal*'s Paul Glader, "at least a dozen businesses in the U.S." that offer editorial service. The fees are up to $400 for editing an essay for a college applicant and up to $3,000 for editing one for an MBA applicant. If an editor practically writes the essay, as some of the examples Glader cites suggest, that's clearly wrong. Indeed, any advantage you get by paying seems dubious and $3,000 beyond the pale. What comes next, a service that really cuts to the chase and simply bribes admissions officers?

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ONE REASON I'M PRAYING FOR an end to the recession is the threat it presents to the success of welfare reform. In New York, welfare rolls grew in October and November, the first time they had increased for two successive months since 1995. Caseloads had risen in 33 states since March 2001. More benefits for the new welfare recipients will take money away from existing welfare-reform programs like job placement, childcare, last-resort public employment, and the good caseworkers desperately needed to help multiproblem families.

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HOW ARE THE FOLKS AT ARThur Andersen responding to their problems? They're hiring lobbyists by the carload. Among them are Daniel Meyer of the Duberstein Group, who is close to House Republicans and who can complement the regular Ander-

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sen lobbyist Jeff Peck's strength among the Democrats. And just to make sure, they have also hired Michael Barrett who used to work for John Dingell, the top Democrat on the Energy Committee, and the Alpine Group, which is known for its "close ties to the Commerce Committee—so far the most impressive group probing Enron's failure," according to *The Wall Street Journal*'s Greg Hitt. According to the Center for Responsive Politics, even before the scandal reached the headlines, some people at Enron foresaw the looming public relations problem, spending twice as much for lobbying in the first half of 2001 as they did during all of 2000.

The disparity between sentences for crack cocaine and powder cocaine drug offenses is a disgrace of the criminal justice system.

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I'M VERY MUCH AFRAID THAT bureaucratic convenience will lead the U.S. Department of Transportation to evade the intent of the Airport Security Act, which was to significantly upgrade the quality of airport screeners. It's just so much easier to keep the people already in place than to recruit 28,000 who might be better, but harder to find.

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DIANA ELEMENTARY SCHOOL recently appeared on the state's board of education list of West Virginia's top 51 schools. This is worth noting because 100 of the school's 120 pupils qualify for the free lunch given to children of poor families. In fact, one in three of the state's top schools have a free lunch rate of more than 50 percent, according to the *Charleston Gazette*'s Eric Eyre. How can these unlikely successes be explained? One clue is that their average enrollment is just 150 students. This confirms, writes Eyre, "a spate of studies [showing] that low-income students perform better at small elementary schools with less than 350 kids." Ironically, seven of the 17 high-performing, low-income schools are scheduled to be closed in the next few years. This reminds me of the tragic trend toward consolidation of secondary education into mega-schools like Columbine, even though the evidence shows that the optimum size for a high school is around 750 students. I'm sure smaller schools cost a bit more per student, but how many education expenditures can show such clear results?

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SEC CHAIRMAN HARVEY PITT, as you surely know by now, was actually a lawyer for several of the major accounting firms. What you may not know is that the Bush administration, just as the Enron scandal was beginning to unfold, announced that it would name two partners from major accounting firms to join Pitt on the SEC. This will give Pitt and the accountants a majority on the commission. Here's what Pitt says about the basic problem of the accounting industry: "Auditors face an obvious conflict of interest from the moment they get paid by their clients.

"That's life," he continues, as if the conflict is inevitable. But it would not be inevitable if the suggestion made many times on these pages is adopted: Have the auditor for publicly held companies selected by a third party. That way there would be no conflict of interest.

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CHARLOTTE BEERS, THE FORMER Madison Avenue account executive who is now the Undersecretary of State for Public Diplomacy and Public Affairs, achieved her success in advertising, according to *The Washington Post*'s Peter Carlson, by "persuading clients to pay millions of dollars for an as-yet uncreated ad campaign that may never actually sell any product." She "was a genius at that," a former colleague told Carlson, who explains that what she did "requires a prodigious ability to befriend and flatter high-placed CEOs."

When Carlson asked if there was a poster person who she envisioned as a symbol of America, Beers proved that her skills are undiminished: "You know, in a way, our poster people are President Bush and Secretary Powell, who I think are pretty inspiring symbols of the brand 'The United States.'"

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I WORRY ABOUT THE INCREASING anti-regulatory bias of the federal judiciary, dominated as it is by Reagan and Bush I appointees, along with a few Nixon and Ford holdovers. The latest example comes from the Fifth Circuit Court of Appeals. It has upheld a federal district judge who had decided that the Department of Agriculture had exceeded its authority by shutting down the Supreme Beef Processors plant in Dallas. Had the Agriculture inspectors acted arbitrarily or hastily? Hardly. They did not act until the plant had failed its salmonella contamination test three times. Why, then, did the court rule against the inspectors? For one thing, the court said, the meat already could have been contaminated before it reached the plant. For another, they said that since salmonella can be destroyed by cooking, it should not be regulated under the Federal Meat Inspection Act.

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As to the first argument, don't we want to make sure that the meat-processing companies buy uncontaminated meat or, if they don't, that they decontaminate it or throw it away?

As for the argument that cooking can destroy salmonella, it ignores the fact that before the meat is cooked it can contaminate kitchen utensils, cutting boards, and other foods. And unfortunately, not every consumer is going to cook the meat long enough to destroy the bacteria. It may be fair to join the conservatives in saying that the cook should suffer the consequences of his or her carelessness. But what about innocent family members? And what about innocent customers of restaurants with careless cooks? Don't they deserve protection?

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SPEAKING OF THE GOOD SIDE OF government service, a delightful illustration recently occurred in Washington's Shepherd Park. The neighbors got together and threw a party for their mailman, Michael Wilson. "We live in a big city," one of the partygoers told *The Washington Post*'s Lonnae O'Neal Parker, "but he makes our neighborhood like living in a small town." Wilson, writes Parker, "doesn't do big dramatic save-the-day kinds of feats, but residents say they count on him for knowing the names of your kids and your grandkids and their playmates and pets. He's there when it snows, leaving the mail on the back porch so elderly residents won't slip on the ice. He's there bringing the newspaper to the door if no one's at home, or retrieving the empty garbage can from the curb on trash day. "There's nothing grand about that," continues Parker, "but it is heroic. Norman Rockwell, community, civil service heroic." Amen.

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NBC MAY RECONSIDER ITS DECISION to accept liquor advertising, reports *The New York Times*. I hope the *Times* is right. I've been waiting for Tom Brokaw, a man I usually admire, to speak up about this shameful decision, but the only mention I've seen on his "Nightly News" was a report by Pete Williams on Dec. 20 that featured some expert who contended that advertising does not persuade people to drink, that it does not "affect drinking habits." Why then do liquor companies advertise? Are we to assume that they do it to lend a helping hand to needy newspapers, magazines—and to NBC?

Why should the more affluent be able to gain an edge on college admissions simply because they can afford it?

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WHEN NEW YORK AND THE Pentagon were attacked by terrorist-operated aircraft, more than a few citizens were dismayed to learn that protection from U.S. fighter jets wasn't exactly forthcoming. In each case, the fighters had to be summoned from more than 100 miles away and arrived too late. Those dismayed then were dismayed again to learn that the same thing took place when that 15-year-old plowed his plane into a Tampa building after flying over MacDill Air Force Base, the home of the Pentagon's central command, which oversees our war in Afghanistan. In the Tampa case, "the military command that orders fighter jets to respond to acts of terrorism did not hear of the [threat] until after the plane had crashed," report Greg Schneider and Bill Miller of *The Washington Post*. "Even if the Air Force had been notified instantly," they add, "its jets would not have been able to get there in time because they were based at the other end of the state." Do you begin to suspect that it's just possible that our military is not optimally deployed to meet the threat of domestic terrorism? "We weren't built for this mission," Maj. Barry Venable of the North American Aerospace Defense Command tells *The New York Times*.

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"IT WAS LIKE being outed," said one farmer. He was talking about the Web site that has revealed how much subsidy individual farmers are receiving. John Dollinger, for ex-ample, has man-aged to collect $362,068 in five years. In one Illinois county, reports Elizabeth Becker of *The New York Times*, two farmers got more than $1 million each. They're pikers, however, compared to David Griffin of Elaine, Ark. According to John Lancaster of *The Washington Post*, Griffin is the principal owner of Tyler Farms, which collected $24 million in subsidies from 1996 to 2001.

The impression that these subsidies are designed to help the average farmer is strictly an illusion. According to Lancaster, 47 percent of subsidies now flow to large commercial operators. And even though there are farmers in all 50 states, half of the benefits go to just six states. The obvious solution is to limit any annual subsidy to no more than $100,000 for any one farmer or commercial entity that tries to collect in his place. Unfortunately, the best Congress can do so far is a Senate bill that limits the subsidy to $275,000.

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HERE'S ANOTHER WAY COLLEGE admissions are tilted against the poor. Early admission programs require the student to commit to

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the school before he knows what financial aid is available. As a practical matter this means that the disadvantaged student has to wait to see which school offers the help needed. But by delaying the decision, writer Nicholas Thompson points out in *The Boston Globe*, the poor student finds that as many as 40 percent of the slots have already been taken by early admission applicants. At Yale, the number of students receiving financial aid has declined as the number of early admissions has increased.

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THE PRIVATE AVIATION LOBBY argues that the small plane used in the Florida crash was incapable of doing much damage. Not by itself, but what if it had been loaded with explosives, or with chemical or biological weapons? There are 200,000 of these planes, and some 25,000 of them are definitely not small. Just take a look at the planes that are lined up outside the general aviation terminal at your airport.

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THE CDC MADE A SERIOUS mistake when it said that anthrax spores could not escape a sealed envelope. What the CDC failed to do was consider what happens when mail goes through those sorting machines, not to mention the tossing around that sacks of mail get in a major postal facility like Brentwood. This is a lesson that I would love to teach to government officials and reporters. If you want to know what you're really talking about, go where the rubber meets the road.

That's true of the Enron story as well. Just as CDC officials and reporters didn't go to Brentwood and uncover the truth about mailing anthrax, most reporters found it easier to pontificate about energy deregulation than to go down to Houston and find out what was really going on at Enron.

Another approach to getting stories like Enron comes from that *Fortune* reporter, Bethany McLean, who teaches another lesson that I've tried to impart to young reporters—the value of some experience in the institution you plan to cover. McLean, before she went to *Fortune*, had learned the ropes of high finance at Goldman Sachs, acquiring the nose for how and where the bodies are buried that can only be acquired from the inside.

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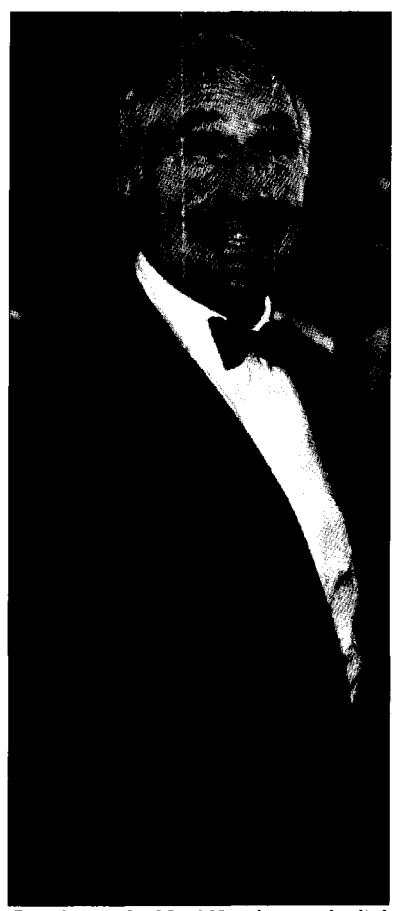
WHY DIDN'T SOMEONE ON Enron's board blow the whistle as the company was marching toward disaster? A possible explanation comes from the case of Dr. John Mendelsohn, the president of the M.D. Anderson Cancer Center, who also is a member of Enron's board. Dr. Mendelsohn was on the board's auditing committee and thus had, in the words of Jo Thomas and Reed Abelson of *The New York Times*, a "pivotal role in overseeing the company's relationship with its auditor Arthur Andersen and the integrity of the company's financial statements." His zeal for embarrassing questions may have been muted by the fact that his cancer center received $332,758.00 from Enron and the Linda and Ken Lay family foundation, not to mention $10.3 million from a gala benefit at Enron Field attended by George H.W. Bush.



British actor Sir Nigel Hawthorne, who died on December 26, 2001.

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BURIED IN AN ARTICLE IN *The New York Times* under a headline that seemed to be about another subject was a chilling observation from a Grupa Taca flight attendant based in Guatemala: "We're not even close to the security" that now exists at U.S. airports, "but we fly to New York, Miami, Los Angeles, and San Francisco." It's not hard to imagine that what's true of Guatemala is true of much of the rest of the Third World.

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IT WAS A SAD DAY FOR EVERY student of bureaucracy when Nigel Hawthorne died in December. He was the marvelous actor who played Sir Humphrey Appleby in the British television series "Yes, Minister." Sir Humphrey was the civil servant who tells his boss, either an elected official or a political appointee, what to do without the boss quite realizing it. When Appleby's boss James Hacker suspected that he might be being conned and asked Humphrey a question, the answer to which might have confirmed his suspicions, Appleby would reply in elegant but totally incomprehensible bureaucratese, guaranteed to leave Hacker in the dark. Appleby reminded every civil servant of what subtlety could accomplish, and Hacker's gullibility educated every elected official and political appointee in the ways of wily subordinates. The show depicted realities of government rarely perceived by political scientists or journalists.

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Runway Inflation

How flying wedding chapels and Alaskan bush pilots landed a share of the airline bailout

By Stephanie Mencimer

In the days immediately following September 11, members of Congress took to the airwaves and the floor of the Capitol with dire warnings that if Congress did not act quickly, the American airline industry would go belly-up, bringing the nation's business to a halt. The major airlines were estimated to be losing $300 million a day. Sen. John McCain (R-Ariz.) declared: "The effect on the airlines of the September 11 terrorist attack put Congress in the unenviable position of having to take immediate action to prevent the collapse of the aviation industry as a result of the federally ordered grounding of all aircraft."

With lightning speed, virtually no hearings, and almost unanimous support, Congress swept into action. The result was a bill designed to protect the nation's "essential air service," with a package of loan guarantees and outright cash grants, totaling $15 billion. In supporting the bill, Sen. Charles Grassley (R-Iowa) said that he was pleased that the Senate was "moving with great speed to insure the short-term stability of our nation's airlines. ... the Senate has come together for the good of this great nation to do the right thing. That is, to keep the airlines in the air."

Despite the insistence of members of Congress that the airline bailout was of vital national importance, it was immediately decried as a boondoggle for big business. And why not? Companies like American Airlines and Northwest lobbied hard for its passage and are indeed its primary beneficiaries; $3.1 billion had already been paid to these big firms by the end of January, and billions more are still to come.

What most people don't realize, though, is that the bailout bill was also a boondoggle for hundreds of little aviation companies, far from the terrorist-crippled corridors of New York and Washington, whose business activities hardly qualify as critical public transport. Thanks to the aviation industry's friends in Congress, the term "essential air service" now includes practically every tour bus with wings.

Hub and Stroke

When Japanese businessmen want to take a vacation in the great American outdoors, they frequently seek the help of Warbelow's Air Ventures. Warbelow's is a charter service that, among other things, delivers mail to remote Alaskan villages and takes hunters and fishermen on guided trips into the Alaskan bush so they can shoot grizzlies and caribou. It also happens to be an unexpected beneficiary of the federal airline bailout. While it can't match the losses of Delta Airlines, Warbelow's has so far received $95,000 from the federal bailout fund.

Even company president Art Warbelow was a little surprised to hear that he'd been the recipient of so much government largess. "$95,000? Wow!" he exclaimed. Warbelow says his company was closed down for only two days after the terrorist attacks. He says his firm makes about $20,000 a day on average, so his payment more than covers the loss. So how did he come into such good fortune? Warbelow says the

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local industry group, the Alaska Air Carriers Association, prodded him to fill out some paperwork. Warbelow says he wasn't even required to submit any documentation with the seven-page form.

Along with Art Warbelow, helicopter companies have joined the rush for federal funds. At least 17 helicopter firms have claimed $2.6 million in compensation. Many of those companies are tour operators like Sundance Helicopters, which received $37,906, and which gives tours over the Grand Canyon. Las Vegas Helicopters specializes in tours of the Strip and airborne wedding services. (For an extra $175, you can be married in the air by Elvis.) It got $4,572, a paltry sum, but still... Firms from Hawaii and Florida also dominate the list.

Other helicopter companies include Aircam National Helicopter Services in Englewood, Colo., which provides helicopters for film and video stunts, aerial photography for real-estate site surveys, as well as some corporate charters. (The photo on the web site looks like an ad for a Warren Miller ski movie.)

The helicopter firms getting the biggest handout, though, service the gas and oil industries in the Gulf of Mexico and Alaska. Included among the recipients of nearly $4 billion in federal aviation payments are companies such as Petroleum Helicopters, a chopper service that flies employees back and forth from off-shore oil landings. Petroleum Helicopters has so far received a whopping $688,785. Air Logistics, another oil-and-gas-related firm, received $450,836.

Because these companies cater to corporate clients rather than the general public, it's hard to see how they might qualify for federal aid. Some, too, apparently contract with the government for their services, making their businesses fairly recession-proof. But according to the U.S. Department of Transportation, it's all perfectly legal for them to claim bailout money, which they never have to pay back.

Still, you'd think that, given its proclivity for distinguishing between the "deserving" and the "undeserving" before giving out far more stingy federal aid to the poor, Congress would have made some distinctions when it came to the airline bailout. Even excluding, say, aircraft that fly in circles or that don't land on runways, might have narrowed the field a bit.

And while Congress rightly included smaller, regional airlines in its calculations, is Casino Express Airlines really a critical part of the nation's transit system? According to its web site, Casino Express flies tourists from around the country to exactly one place: the Red Lion Inn in Reno, Nev. But Casino Express was grounded just like American Airlines, so it received $829,389 from the bailout fund.

And what about Servicios Aereos Profesionales, an air charter service based not in the United States but the Dominican Republic? According to the Department of Transportation, SAP got $30,789 in American taxpayer dollars, even though it flies to more cities in Cuba than in the United States. (The airline flies only to Miami and Orlando.) SAP services almost entirely international locations unaffected by post-September 11 flight restrictions. But SAP holds a certificate from the FAA as a charter service, and as such, apparently felt compelled to get some compensation.

One recipient of government aid admits that his business was barely affected by September 11. Tex-Air Helicopters in Houston, which has received $41,220, gets 97 percent of its work from contracts, according to Anthony Loague, director of operations. As a result, Tex-Air lost mostly time, not money, because of the grounding. And while it took several days to catch up and return to a regular schedule, Loague says they had no reason to lay off employees. In fact, he says, the terrorist attacks actually brought in additional business afterwards.

Alaskan Pork

So how did the federal airline bailout become such a bonanza for flying wedding chapels and oil company shuttles? Back in the heady days after September 11, when Congress was hustling to keep the airlines airborne, major airlines like American and Northwest secured a package of cash grants and loan guarantees for themselves. Once Congress agreed to the big airlines' demands, the rest of the industry came running for a handout, too.

The mission of the bailout quickly changed from insuring the "short-term stability of the airlines" to compensating every mom-and-pop operator that missed a day of work because the big bad FAA shut down the airports after the terrorist attacks. By that definition, even Cinnabon ought to qualify for fat government checks.

After the smaller regional commuter airlines got a spiff, it wasn't long before the major cargo airlines started demanding their share, too. Companies like FedEx, UPS, DHL, and Airborne Express have now received payments totaling roughly $135 million and counting.

You'd think the handout list might have ended

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there, given the dwindling surpluses and the slumping economy. But that calculation would overlook a major factor in the debate: The Alaskan congressional delegation. Sen. Ted Stevens (R-Alaska) is the ranking member of the Senate Appropriations Committee and serves on the Commerce Committee's aviation subcommittee. Rep. Don Young (R-Alaska) is chairman of the House Transportation and Infrastructure Committee. No airline bailout bill was going to make it through their committees without taking care of the constituents back home, including every little puddle-jumper company flying the Alaskan bush.

According to Eric Byer, manager of legislative affairs from the National Air Transportation Association, the lobbying group for small, air charter companies, these men were instrumental in ensuring that the bailout bill included companies known as "Part 135" carriers. These companies are certified by the FAA as air taxis or on-demand charter firms—the kind of companies with a handful of Lear jets or little Cessnas that fly college hoop teams to their away games or shuttle rich corporate board members to retreats in Aspen.

Alaska, incidentally, has a gaggle of these Part 135 companies. One city in Alaska has 17 different air carriers. But because the state is so reliant on air travel, the FAA also exempted Alaska from most of the post-September 11 aircraft restrictions, and its planes were back in the air after only two days, according to Karen Casanovas, executive director of the Alaska Air Carriers Association.

Still, the industry was suffering from a slump in tourism, which had fallen over the summer by 20 or 30 percent below the year before, thanks in part to troubles with the cruise ship industry and the disappearance of Japanese tourists suffering from their own recession. So, with help from its well-placed congressional delegation, the Alaskan air industry managed to get the airline bailout bill broadened to include it.

Sen. Stevens is unapologetic. "Secretary Mineta's decision to ground the planes saved a lot of lives, but it also impacted many more carriers than most people realize," he says. "In Alaska, small aircraft are the only means of access to rural villages where no roads exist. Congressman Don Young and I worked hard to ensure that small carriers like Warbelow's Air Ventures were included in this funding."

To accommodate the Alaskan companies, however, Congress also had to give every chopper that hovers over the Bellagio a piece of the action. Still, Alaska dominates. About $2 million went to at least 19 small Alaskan aviation firms. (The troubled Alaskan Airlines, incidentally, also has picked up a cool $71.6 million so far.) Dollar-wise, the Alaskan small firms' share of the bailout fund is a drop in the bucket, but just in sheer numbers, those firms account for a disproportionate 13 percent of all the companies paid by the Department of Transportation. By all accounts, the folks back home are pretty satisfied with their elected representatives.

Thanks to the aviation industry's friends in Congress, the term "essential air service" now includes practically every tour bus with wings.

Of course, not everyone is so thrilled with the outcome. The hotel industry, for instance, which estimates that it lost $700 million in the 10 days after September 11, hasn't gotten squat from the government. But in the spirit of post-September 11 patriotism, these industries aren't griping about their aviation colleagues' good fortune. They're simply trying to get a piece, too. The American Hotel and Lodging Association is currently pushing for hundreds of millions of dollars in tax breaks and other "stimulus" items for its industry, including restoring the spousal deduction for business travel. And taking a cue from the aviation industry, those measures would benefit everyone from the New York Waldorf Astoria to the Hope, Ark., Motel 6.

"A lot of this spending is not done in the national interest," says David Williams, vice president for policy at Citizens Against Government Waste. "Every industry uses this as an excuse for more money—travel agencies, cruise ship companies. It's opportunistic on everyone's part. It's a shame that members of Congress have to participate. They just can't say no." ●

Research assistance for this article provided by Avishay Artsy, Tyler Cabot, and Justin Peters.

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Desperately Seeking Status

With a clever lawyer, you too can start a 9-11 charity—and give nothing to the victims.

BY HOPE CRISTOL

YOU CAN SQUINT AT THE FINE PRINT. You can click on every link. But even the keenest eyes won't find mention of September 11 relief efforts on the web site of the Animal Friendly License Plate Association, a nonprofit agency in Kansas City, Mo. That's troubling, because while its name might suggest otherwise, AFLPA is on the Internal Revenue Service's list of charities established to provide relief to victims of America's recent tragedy.

As part of a post-September 11 effort to facilitate charitable donations, the IRS expedited the process by which it grants tax-exempt status to nonprofits. But as it turns out, every tax-deductible cent donated to the AFLPA goes not to New York City firefighters or Cantor Fitzgerald widows, but rather to spay/neuter programs for Missouri's dogs and cats. So why does this organization appear on the IRS list of September 11 charities? "My lawyer disguised it to move it through," admits AFLPA Co-Chair Michelle Thill. "I was tired of waiting. My lawyer pretty much assured me that we would get the [nonprofit] status, but he just grabbed hold of the opportunity."

AFLPA is just one of many new charities to claim a September 11 affiliation. On Sept. 18, the IRS announced "a special expedited review and approval process for new organizations seeking tax-exempt status to provide relief to the victims." These would-be charities needed only to write "Disaster Relief, Sept. 11, 2001" atop their application to receive "immediate attention" that reduced turnaround time—normally 120 days—to as little as five days. To date, more than 200 organizations have been granted expedited tax-exempt status. All of them are listed on the IRS website (www.irs.gov). But not all are providing disaster relief.

Fishy Nonprofits

Take the Washington, DC Marketing Center, a spin-off of the D.C. Chamber of Commerce, which mysteriously found itself on the IRS list of September 11 nonprofits. Marketing Center representatives insist that the listing "must be an administrative error" because the group's application was approved shortly after the attacks. But according to an employee, the organization's lawyer, Olivia Shay-Byrne, managed to put it on the fast track once the expedited disaster-relief procedures were announced. Exactly how Ms. Byrne did this is a mystery. She refused repeated interview requests and wouldn't release the Center's 1023 form, even though the latter is required by law.

Then there's Whitebird Productions, another organization claiming to have been "misplaced" among the disaster-relief charities. Whitebird is a nonprofit that promotes the arts in Ft. Collins, Colo. The charity's president and co-founder, Jeri Nichols-Park, says that she learned about the September 11 provision from her accountant, who wrote to the IRS requesting expedited approval. She insists, however, that she did not portray Whitebird as a disaster-relief charity. "We did try to get on board as far as helping," she allows. "We did

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have a table set aside for donations. We told the IRS we would do that." But she professes ignorance as to how she wound up on the list, saying "that's crazy" and reiterating that "our only purpose is to promote the arts in Ft. Collins."

Or how about the Alaska Culinary Association? The group's stated mission is not disaster relief, but "to help young culinarians to get established in the local food community." Yet it got expedited service anyway because the IRS doesn't demand that an organization be devoted to disaster relief, only that it promise to do something disaster related. To meet its requirement, the culinary association held a single fundraising dinner for the Windows of Hope Family Relief Fund—a bona fide 9-11 charity devoted exclusively to providing aid, future scholarships, and funds to families of the food service industry workers killed in September. As it happens, the association didn't need a 501(c)(3) designation to hold a charity fundraiser. "You can hold a fundraiser for Windows of Hope without 501(c)(3) status," says Windows of Hope Director Darlene Dwyer. "People just make out their tax-deductible donations directly to us."

Under the IRS's Sept. 11 charity program, every tax-deductible cent donated to the AFLPA goes not to New York City firefighters or Cantor Fitzgerald widows, but rather to spay-neuter programs for Missouri's cats and dogs.

The only reason to have 501(c)(3) status is if you intend to solicit for tax-deductible contributions, which would appear to be of considerable interest to the culinary association—last year it spent more money on fundraising than it raised in funds.

September 11 provided a convenient fig leaf. The association is under no further obligation to raise a dime for disaster relief, and furthermore, according to Alice McArdle, the CPA who filed the organization's application, it has no plans to do so.

Britney to the Rescue

To be sure, many of the listed charities—even the more unusual-sounding ones—are sincerely working to benefit victims of September 11. The Britney Spears Foundation, for instance, appears on the IRS list. There's also the Rural American Patriot Fund, established by a group of South Dakota farmers, ranchers, and community leaders, which is raising money to buy war bonds through the sale of grain and cattle. Notes the group's website: "Each time an American farmer or rancher takes their product to market, be it grain or livestock, they can sign up for the Rural American Patriot Fund and simply indicate how much of the sale proceeds they receive they want to earmark for the Fund."

But there are plenty of puzzling enterprises on the IRS list, including Creative Freedom of Hawthorne, N.Y.; the 1201/5400 Corporation of Dallas, Texas; or Fight for Freedom, Inc., of Sand Springs, Okla. What, if anything, are these groups doing for disaster relief? Hard to say. They have no web sites, no street addresses, and no listed phone numbers. These could be charitable offshoots of other groups doing disaster-related work. Or they could be stand-alone organizations that just haven't set up shop. But if you wanted to give them a donation , where would you send the check?

However worthwhile it may be that the IRS cut turnaround time for tax-exempt approval from four months to five days, you've got to wonder whether it is conducting thorough background checks before inking the rubber stamp. The IRS maintains that it hasn't lowered the bar for disaster-relief charities. But while it normally reviews applications on a first-come, first-served basis, September 11 applications are given immediate priority. It's hard to see how that doesn't mean that someone else's application gets delayed and vigilant oversight on charities that sell license plates gets overlooked.

On balance, the IRS's decision to offer expedited service probably has led to more money going to September 11-related causes, which of course is the most important thing. But it has also led to new scrutiny. At the request of Sen. Charles Grassley (R-Iowa), the General Accounting Office has launched two investigations.

In the meantime, do some homework before donating to a September 11 charity. Otherwise, your tax-deductible contribution may actually sponsor neutering programs in Missouri or dinner parties in Alaska. ●

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Memo of the Month

The District of Columbia Board of Education

Citation

HONORING

The Hanna-Barbera Cartoon Character Great Dane known as Scooby-Doo and the members of his mystery-solving pals Mystery, Inc.--Shaggy, Velma, Daphne and Fred

For their accomplishments as a positive non-violent model of cooperative problem solving for children.

Scooby-Doo (Scoobert) is a Great Dane of dubious courage who nevertheless endeavors to maintain a full stomach of Scooby snacks.

Scooby-Doo and the members of Mystery, Inc. Shaggy Rogers, Velma Dinkley, Daphne Blake and Fred Jones, invariably have solved mysteries involving crime and the supernatural, for over thirty years.

Scooby-Doo, Shaggy, Velma, Daphne and Fred have maintained and driven the same Mystery Machine van for over 30 years.

Scooby-Doo was first produced by William Hanna and Joseph Barbera in 1969 as CBS's flagship cartoon, "*Scooby-Doo, Where Are You*"?

Today, January 16, 2002, Scooby-Doo will be presented by Warner Bros. at the Warner Theatre in the national touring live production of "*Scooby-Doo! In Stagefright--Live On Stage!*".

Scooby-Doo's name was inspired by Frank Sinatra's improvisations at the end of *Strangers in the Night*; and the members of Mystery, Inc. were inspired by the cast of *The Many Lives of Dobie Gillis*.

Scooby-Doo will go live in 2002 starring in the first-ever Warner Bros. Pictures live-action feature film, *Scooby-Doo*.

These characters have laid a foundation for children to cooperate in problem solving:

Scooby-Doo and Mystery, Inc. form one of the most effective and longest-running cartoon groups of mystery-solving friends on television today.

Scooby-Doo encourages children to develop nonviolent solutions to challenges and problems.

Scooby-Doo always demonstrates consistency in solving challenges and problem situations.

THEREFORE BE IT RESOLVED THAT THE BOARD OF EDUCATION COLUMBIA, commends Scooby-Doo and Mystery Inc. for over thirty years of providing a positive role model of cooperative problem solving to children and adults everywhere.

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What's Love Got To Do With It?

Why Oprah's still single.

BY PAUL OFFNER

TAMA MATTOCKS IS A LIVELY, ARTICulate, 42-year-old African-American woman who lobbies for a healthcare association in Washington, D.C. A native of Detroit, she attended Wayne State University before pursuing a doctorate in anthropology at the University of Wisconsin at Madison. Stopping just short of getting her degree, she went to work for a state assemblyman, whom she accompanied to Washington in 1992 when he was elected to Congress.

Madison was home to few blacks, so social opportunities were limited. Washington would be different, Mattocks thought, with its sizable black professional class, but it hasn't worked out that way. Interesting, eligible men have been few and far between. Some of the men she's met have little interest in working, preferring to seek out women who will support them—"a raghead on your couch," she calls them, conjuring up images of the lead character in *Baby Boy*, John Singleton's story of a seductive predator who lives off his girlfriends. On one occasion, the congressman even arranged a blind date, but nothing became of it. "Maybe you should join a bowling club," one friend suggested half-jokingly. "The pain of being alone is so great that you go into denial," says Mattocks, "so you can get up and go to work the next day." Most of her friends have given up thoughts of marriage.

Mattocks's experience is not unusual. Just look at any African-American publication. "Are professional black women losing in the dating game?" asks *Jet*, the

Angela Bassett and Whitney Houston star in 1995's "Waiting to Exhale."

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popular African-American news magazine. "Within their own ethnic group, sisters find slim pickings," reports the *San Francisco Sun Reporter*. "Most of us don't even come in contact with single, middle-class males," laments a professional woman in the *Memphis Tri-State Defender*. This struggle was captured in Terry McMillan's bestselling novel, *Waiting to Exhale*, which later became a movie starring Whitney Houston and Angela Bassett. Its success came as no surprise to its target audience. "It is so popular," Sherry Smith told the *Philadelphia Tribune*, "because there are so many single females out there trying to find a good male."

As black women advance, black men are falling further and further behind. While black leaders would rather ignore the issue, it's a hot topic in African-American periodicals.

This is something new within the African-American community. Over the last generation, most of the problems taking center stage involved such matters as single-parent families, welfare dependency, and the feminization of poverty. But here's a problem affecting relatively successful African Americans. The number of well-educated, professional women is multiplying rapidly; but the number of similarly situated black men is not. In fact, as black women advance, black men are falling further and further behind. It's not a subject that black leaders like to address, but it's a hot topic in African-American periodicals, where professional women complain bitterly about the difficulty of finding suitable mates.

Lonely At The Top

African Americans have made great strides in the area of education over the last 20 years. The percentage graduating from high school has increased by more than one quarter, and the percentage enrolling in college is up 44 percent. African Americans still trail whites in both areas, but at least the numbers are moving in the right direction.

Unfortunately, nearly all the improvement in college enrollment has been among black women, who now receive twice as many college degrees as black men. The number of black men graduating from college today has barely budged from where it was 20 years ago.

Nationally, college women outnumber men among all racial groups. But the imbalance is much greater among African Americans. Black women earn twice as many master's degrees, 50 percent more PhDs, and 50 percent more degrees in law, medicine, and dentistry. What's more, the gap is widening. If current trends continue, 20 years from now black women attending college will outnumber their male counterparts by three to one.

Already, black women are getting most of the good jobs. A half-century ago, women filled about a quarter of the management and administrative positions held by blacks; today, they fill just under 60 percent. According to the Equal Employment Opportunity Commission, the imbalance is even greater in larger firms, where black professional women outnumber men by two to one. Of course, African-American women are not alone in terms of professional advancement. Happily, women of all races have increased their share of college enrollments and management jobs over the last 40 years. But there is one important difference: Among whites and Hispanics, men are still far ahead.

Currently, these changes affect a relatively small number of people—most black female workers are still concentrated in low-paying jobs and are paid, on average, less than either white women or black men. But the assessment of Harvard sociology professor Orlando Patterson seems apt: African-American women are now "poised to assume leadership in almost all areas of the Afro-American community and to outperform Afro-American men at middle- and upper-class levels of the wider society and economy." What we're witnessing, in other words, could be called the feminization of the African-American elite.

Slim Pickings

In the realm of dating, this creates what must be a frustrating situation for many single women. They are told to expand their search to include less-educated men, younger men, and older men. (In *How Stella Got Her Groove Back*, another McMillan novel, the heroine finds happiness with a man 20 years her

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junior). A recent issue of the *Tri-State Defender* summed up the frustration of a college-educated woman whose friends counseled her to seek out blue-collar men. "Why are we told to marry down?" she wonders. "I want to be in a relationship with someone who is an equal in every way."

What is remarkable, though, is how many women are marrying down. More than half of black female college graduates are married to men who don't have degrees (for whites, the figure is 31 percent). Four percent are married to men who haven't even graduated from high school. For a few, there is the intermarriage option. Although black intermarriage has traditionally been rare, that is beginning to change. But it only worsens the imbalance, since black men are much more likely than black women to marry people of other races.

For other educated black women, the choices are few. Says Walter Farrell, a University of Wisconsin professor who has studied the subject, "The more prominent the successful black woman becomes, the greater the chance she will end up alone." As a result, professional black women are having fewer children, which means that a growing percentage of black children are being born into less educated, less affluent families.

Women's Work

A number of explanations have been offered for why black women are doing so much better than black men. Some focus on female upbringing. "Historically, in the matriarchal Negro society," writes former Urban League President Whitney Young, "mothers made sure that if one of their children had a chance for higher education, the daughter was the one to pursue it." The goal was to spare her from a lifetime of domestic work. In 1940, 60 percent of employed black women worked as domestics, while another 11 percent were farm laborers, with the result that on average black women earned 38 percent as much as white women. World War II changed that by opening up new opportunities in offices and factories. By 1980, only 6 percent worked as domestics, and black women's earnings were roughly on a par with whites.

For black men, however, things didn't go as well. Although they made just under half as much as white men in 1940, at least they had access to the well-paying manufacturing jobs that dominated urban labor markets at that time. During the '60s and early '70s, their wages rose relative to white men's, but this progress stopped when many manufacturing firms abandoned urban centers. By 1980, black men earned 26 percent less than their white counterparts, and a good case could be made that it was they, not the women, who most needed help.

In other words, at a time when domestic labor was the predominant form of work among black women, they attended college at the same rate as the men. Later on, when fewer and fewer women worked as domestics, the women's college attendance soared. On balance, then, it is hard to see how the parental interest in having their daughters avoid domestic work can explain the gender gap in college enrollments.

National Security Advisor Condoleezza Rice, 47, told VOGUE, *"I haven't ever met anyone I thought I could live with."*

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An alternative explanation focuses on the boys and the harm allegedly done to them by the weakening of the African-American family. Former Senator Daniel Pat Moynihan (D-NY) famously made this argument in his 1965 report on the Negro family. Many black leaders criticized the report for "blaming the victim," even though Moynihan clearly placed the blame on this nation's unemployment record and discriminatory history. In any event, his analysis proved prophetic. While a quarter of African-American families were headed by single women in the year Moynihan issued his report, today that fraction has more than doubled to reach 56 percent.

According to Harvard sociology professor Orlando Patterson, we are witnessing the feminization of the African-American elite.

But the argument that single-parent families disproportionately hurt boys is suspect. Girls may not be going to jail in large numbers, but they face their own considerable problems, such as out-of-wedlock childbirth. Today, fully half of black women between the ages of 20 and 24 have children, which most raise on their own. Sociologists Sara McLanahan and Gary Sandefur, authors of the authoritative *Growing Up with a Single Parent*, make a convincing case that girls, not boys, are most damaged by the absence of a parent. Yet, despite these significant obstacles, young black women are attending college in record number.

Another explanation involves what Brookings Institution scholar Joyce Ladner calls the "demonization" of young black males and the adoption of stricter policies toward their antisocial behavior. Today, a disproportionate number of black boys are labeled as hyperactive, prescribed medications such as Ritalin, and assigned to special education classes. Many end up in jail. In 2000, more than one in 10 African-American males between the ages of 25 and 29 were incarcerated (among high school dropouts, more than one in three). Moreover, high black crime rates have done more than just reduce college enrollments. When businesses feel compelled to hire more African Americans, writes Andrew Hacker, they generally pick women because they find them less threatening.

Mars vs. Venus

"Unless unforeseen social forces reverse current trends," writes sociologist Robert Staples, "the future is likely to bring one of the first cases in history where women have achieved superiority over men in the vital areas of education, occupation, and income." While few people would dispute Staples's point as it pertains to blacks, there is disagreement over what it signifies. For instance, Robert Hill, author of *The Strengths of Black Families*, doubts that much will change and cites the example of the black church: Women are in the majority, they head up most of the church clubs and contribute most of the money, yet men make most of the decisions. On the other hand, success in the American economy today is increasingly associated with specialized knowledge and skills, and African-American women have the clear advantage there.

Indeed, they may have too much of an advantage. College-educated women want to find men with similar backgrounds, and the shortage of college-educated men rules that out for many of them. As the education gap widens in the future, marriage rates will continue to drop. More and more of these women will remain childless, and a growing proportion of black children will be born into poor single-parent families, with all the disadvantages attendant on that fact.

Oddly, current government policy may actually be adding to the problem. In an effort to increase welfare recipients' long-term self-sufficiency, 22 states now help welfare mothers attend college, a form of assistance largely unavailable to the fathers, most of whom are not on welfare.

As it happens, the current round of welfare reform just underway in Washington includes a major campaign to raise marriage rates. Conservatives would like to provide pro-marriage education to children in school and give states financial rewards for increasing marriage rates and reducing divorce. Robert Rector of the conservative Heritage Foundation even favors bonuses for at-risk women who avoid getting pregnant until they are married. The only problem is that no one knows how to increase marriage, and the little we do know suggests that it's not as simple as handing out bonuses to young women who put off child-bearing.

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One promising place to start would be increasing the rate of college attendance among African-American men. This will require reexamining many of our education policies, such as the way we deal with boys who act up in school and those who are involved with drugs. Currently 400,000 individuals—mostly young black men—are behind bars on drug charges. One and a half times as many black men are in prison as in college. When they get out, most of them will have trouble finding steady work, and thus becoming reliable fathers to their children. Four years ago, Congress enacted legislation denying college financial aid to anyone convicted of a drug offense, which can only make such matters worse.

But if significant progress is to be made in this area, the African-American community will have to take the lead. And therein lies the problem. The relative position of men and women has always been controversial among blacks, which means that there is no consensus on the nature of the problem or what should be done about it. "There is a crisis in nearly all aspects of gender relations," writes Orlando Patterson, "and it is getting worse." In this environment, there is a danger that the higher-education gender gap will be airbrushed over, lest it become an embarrassment to the African-American community.

Black organizations such as the National Urban League and the National Association for the Advancement of Colored People have never much involved themselves in welfare reform, preferring to let the states and welfare advocacy groups take the lead. But there is no one else to go to bat for black men. Nor can anyone else hope to resolve the gender issues that divide African Americans today. Without pressure from black leaders, the likelihood is that nothing will be done, and that would be a disaster for both the black community and the nation.

The Washington Monthly's Monthly Journalism Award

DAVID HILZENRATH

"After Enron, New Doubts About Auditors" &
"Auditors Face Scant Discipline"
The Washington Post
December 5 & 6, 2001

In this two-part series, David S. Hilzenrath exposes an undisciplined and under-regulated industry rife with conflicts of interest. Hilzenrath details the moneyed corporate culture which led the accounting firm Arthur Andersen to ignore the fiscal mismanagement that ultimately caused Enron's collapse. Awards and bonuses were given to auditors who secured lucrative consulting contracts (and penalties imposed on those who did not); outside auditors frequently left their firms to take jobs with clients like Enron; and a throng of young, inexperienced auditors was unable to decipher sophisticated corporate accounting schemes. Hilzenrath's series also explains why accountants face little to no scrutiny because regulatory boards, which are comprised primarily of their peers, lack the will, coordination, and resources to combat corporate malfeasance and punish offenders.

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Confessions of a Black Mr. Mom

One man's crusade to redefine African-American fatherhood

BY TA-NEHISI COATES

IN ONE OF HIS MORE INTERESTING COMIC sketches, Chris Rock compares one group of African Americans, "niggas," to another more wholesome group, "black people." "You know what really bugs me about niggas is the way they always take credit for stuff a normal man would just do," says Rock. "Like, 'I raised my kids.'"

By Rock's definition, I know exactly where I belong among African Americans today. For I am sure that even for this meager deed of fatherhood I am performing, I deserve a lot more than credit. My mission sounds simple enough: carting my young son through West Manhattan to visit another friend, working in Chelsea. I have logged enough baby hours to earn the title "stay-at-home dad," so I'm not exactly new to this. But our trek into the city elicits terror because of three converging factors: 1.) I am a hefty 6'4" black male—anything can happen. 2.) It's Manhattan—everything might happen. 3.) My son is 7 months old—something always happens.

To take the mystery out of the island on this visit to New York, I have recruited two friends. It helps that they are native New Yorkers and know the geography. It doesn't help that they are also young, black, male writers, whose size and dress (like my own), says almost nothing about who they are. Pushing the stroller, I remember the last time I was in New York with two other black male writers. As we were emerging from a Brooklyn subway that day, a white lady coming down the steps glanced our way and when she did not see Langston Hughes, immediately reversed direction.

Complicating things further today, the clouds that have been threatening us all afternoon open up with all their lordly might. Thunder and showers are everywhere. I suggest a cab. My friends remind me that we are the bane of taxis the realm over. But at least with a stroller we have a chance at netting a compassionate driver, right? Several yellow drive-bys later, we trot off with this one truth: Not even a stroller and a wet infant can take the monster out of three black dudes on a corner.

We walk the next several blocks in the rain to reach our goal. Our taxi episode initiates a contest for who has the worst "cabbies hate black men" story. I think I could win, were I focused on sorting through my "Astonishing Tales of Negrophobia" database. But I am too busy dealing with my own phobia—the one of my partner.

Samori Maceo-Paul Coates is the big-headed result of my union with Kenyatta Matthews. We met during a mutual stint at Howard University and have been together ever since. Before we met, she had a dim view of men as fathers. Her plan for parenthood was basically: get pregnant by some dude and then conveniently lose him. A father would only complicate things, she thought. When she got pregnant with Samori, I was able to convince her otherwise, but dur-

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ing my time as a dad, I have given my share of evidence to bolster her original view, and today's trip in the rain only promises to add another letter to the file.

Until now, Samori has been the picture of health. I am not even sure I've heard him cough. If he comes down with anything from this jaunt through the elements, Kenyatta will make worm's food of me. As if I needed confirmation of this, when we arrive in Chelsea, our host squeezes Samori's drenched pullover, then looks at me and keenly notes, "You're dead."

If you assembled all the dads in my neighborhood, you might have the starting five for a hoop team. But the moms would still have a bench, coach, mascot, and the home-court advantage.

Thankfully, I make it back into Brooklyn before Kenyatta gets home from work. By the time she walks in, Samori is sound asleep, with no cough to speak of. Only his damp clothes, hanging on a door like discarded snakeskin, give a clue to our ordeal. But either out of fatigue or forbearance—it matters not which—she decides to save the haranguing for another day. And there will be another day. Indeed, for the black dude attempting to be June Cleaver—a man standing at the nexus of two undervalued experiences—this is his lot. Everywhere he looks there is another burden, be it the glare of his partner, or the blind eye of a cabbie. But in his own mind at least, he is a hero.

You see, for black men like me, fatherhood is a mission, a chance to atone for all the legions of errant black fathers. The black stay-at-home dad in particular gains purpose from all of this, and convinces himself of his own Gandhi-like nobility. Of course, most of this mental crusading occurs before the kid pops into the world, and the idealistic black father is left to wonder, "Did Gandhi have to contend with crappy diapers?"

Deadbeats by the Dozen

If you believe the people who study such things, the odds of my becoming a responsible father were slim to none. On paper, according to both liberal and conservative models, my demographic profile should make me a deadbeat. I'm a young, black, underemployed male who fathered a child out of wedlock. I also grew up in the center of the absent-dad epidemic, in which it was so common for black men to abandon their children that there was no longer much shame in it.

In high school in Baltimore, it seemed that I didn't have a single class where there wasn't a young lady who either had a child, was pregnant, or both. The fathers were much harder to identify, and more anonymous, I suspect, because many of them were older. Even at plush, thoroughly middle-class Howard University, many of my fellow students were absent parents. In my last year in school, I remember meeting a dude from some small town in Pennsylvania. I was shocked when he told me he had a child. He was unemployed and pursuing an undergrad degree, and really had no means of supporting a child.

"Where's the baby and the mother?" I asked

"Back home," he said, smiling at a joke that I didn't find funny.

When Kenyatta first became pregnant, I never thought twice about embracing fatherhood. Even as we weighed our options, all I could think about was this grand opportunity to join the ranks of present and accountable fathers. My fervor sprang from all the typical reasons people give for having children—mainly a desire to see a continuance of my gene pool. But there were other reasons, fraught with sociological implications.

For as long as I can remember, I have wanted to be a father, if only because I knew so few. You don't need to grow up in the projects or abysmal poverty to know that black fathers are in short supply. If you assembled all the dads in my working-class Baltimore neighborhood, you might have the starting five for a basketball team. Of course, they would lose to the moms, who would have a bench, a coaching staff, a mascot and the home-court advantage. With such a depressing backdrop, those African-American fathers who elect to be more than a sperm bank become de facto heroes, demi-gods born out of utter desperation.

Much conservative ink has been spilled boiling the problems of black America down to its absent daddies, but no one in the black community needs pundits to lecture him on family values. Deadbeat dads rank about one step below the Klan in popu-

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larity among African Americans. Hiphop may be grossly misogynistic, but you will be hard pressed to find a cultural movement that more reveres mothers and reviles fathers. (Indeed, rap's only mother-hater of note is a white guy, Eminem.) The anti-paternal sentiment in rap expresses a larger fatigue among African Americans for "tired-ass" black men who doom kids to fatherless lives. So when Jay-Z says "Momma loves me, Pop I miss you/God help me forgive 'em, I got some issues," he isn't simply having a cathartic moment, he is speaking for 70 percent of African-American children. He is also speaking for my partner and me.

Viewed within the historical context of racism and lynching, to me, the black dad was a soldier taking up the sword and banner of a disgraced order of knights.

My own father's pedigree—seven kids by four women—looks like the rap sheet for one more deadbeat. But he was a stable and consistent presence in my home. And yet so dismal is his context that my siblings and I often find ourselves in the absurd situation of listing among his virtues the fact that he actually acknowledged all of us.

But after the solid presence of my father, the search for men of substance in Samori's lineage disintegrates into a trail of figures who could claim the title "father" only in the coldest sense of the word. My paternal grandfather sired so many kids that no one has an accurate count of his seeds. My father last saw him alive when he was nine. My mother's father abandoned his wife and five kids when my mother was a child. When I was a kid she boldly tracked him down with me in tow, only to be told that we both must now call him "Raymond."

Kenyatta, like my mother, is the product of a daddy on the lam. And her maternal grandfather, theoretically present in her mother's life, was a spousal abuser and a suspected child molester who died in bed with another woman. The result of all these paternal shenanigans is a patchwork family tree, with Kenyatta's father and grandfather's family completely blotted out.

From this perverse montage of ghost dads, I gleaned a somewhat melodramatic message: To be a father is the most noble calling an African-American man can ever undertake. Viewed within the historical context of racism and lynching, to me, the black father was a soldier taking up the sword and banner of a disgraced order of knights.

I was not alone in this belief. To whip up popular appeal for the 1994 Million Man March, Louis Farrakhan declared war on no-account black men, and singled out dead-beat dads in particular. It was a brilliant tactic and struck a chord in the black community as nothing had since the Civil Rights movement. I was at the Million Man March, but I didn't need Farrakhan to declare war on deadbeat dads for me. I would do it myself, by taking a shot at fathering a child as soon as I felt I had the means to raise one. That moment came a little sooner than I'd expected, but when Kenyatta got pregnant, and we began hashing out the possibilities, I really only had one in mind. I would join a citizen army, restore honor to the tattered banner of black fatherhood, and hoist it high for all to see.

What to Expect When You're Expecting

As Kenyatta and I evaluated our situation, it soon became clear that it made fiscal sense for Samori to stay at home with me for his first year. My career as a freelance writer could continue from home, while Kenyatta could continue her copyediting work in the field.

For some men, becoming Mr. Mom may have seemed a severe form of emasculation. But my own father had been a stay-at-home dad—for many years my mother was the breadwinner in the family—and he was manly enough to be a Black Panther when that meant something. So when my turn came, I moved pretty easily into my role as keeper of the hearth. In preparation, I began to bone up on my cooking skills, already a hobby of mine, and pored over *What to Expect When You're Expecting.*

For the first two weeks after Samori was born, we had Kenyatta's mother to lean on. When she returned to Chicago, Kenyatta was still available to handle swing-shift feedings, so my real tenure as a stay-at-home dad didn't begin until Samori was three months old, when Kenyatta returned to work. Even then, contending with all those diapers on my own, I was still caught up in the romance of being a black daddy, and one who, at least in his own mind, was very good at it.

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Indeed, accolades rolled my way at first. Women who witnessed even the simplest display of my baby-handling techniques were wont to melt into a chorus of "awws." My multifaceted identity allowed me to cross borders; I could easily move from a conversation weighing breast milk against formula to another weighing Barry Sanders against Emmitt Smith.

But of course, some borders are never crossed: The black Mr. Mom is still black before he is a Mr. Mom. And quite frankly, he is still a Mr. before he is a Mom. Reality quickly came crashing into my one-man dad's group. I could deal with the relatively few old ladies who used to think twice about crossing my path. But now it was those same old ladies, emboldened by the presence of a stroller, who wanted to launch an inquisition into my parenting skills. I found myself regularly interrogated by panic-stricken strangers: Is that a rash? Should you be carrying that boy on your shoulders like that? Is that jacket thick enough? I became especially nervous when visiting my parents. If Samori looked as if he were about to cry, my mom would interrupt whatever measures I was taking, swoop in, and proceed with her own time-tested methods.

On top of all that, before Samori was even born, I unwittingly made my tour of duty especially rigorous. I was a 24-year-old college dropout and freelance journalist. By that description, you can probably get a ballpark figure of my income. Despite heavy family pressure, my partner and I are not married (hence the term partner) and have pretty much ruled it out for the time being. When she got pregnant I moved into her apartment, which she didn't mind paying for by herself.

In more than a few sectors of America, there are highly technical terms for unemployed college dropouts who are supported by their pregnant girlfriends—bum and freeloader the most common ones. But in the black community, where there is an involuntary tradition of working moms and unemployed dads, the nomenclature is even more defined: no-good-nigga being the current label of choice.

Snide comments about our living situation filtered in from all quarters. At a family cookout, a woman cornered Kenyatta and lectured her on the need to "trap" me into marriage. Once, while interviewing a source for a story, I made the mistake of mentioning I was a dad living in sin. A 10-minute lecture on God's intentions for family pretty much killed the story.

Yet through it all, I was never sorry for the choice I had made. And eventually, I found my community more supportive than I had imagined. My mother's meddlings with Samori sometimes annoyed me, but when I needed to go back to work full-time, she also ponied up $400 every month for day care. I hated the interrogations from women on the street. And yet, it's very hard to equal the high of pushing a stroller up Brooklyn's Flatbush Avenue and seeing a black woman about your mother's age shoot you a smile that says, "You done right, boy."

Boys to Men

How did I end up doing right when so many of my peers have done wrong? I had some help at home. My mother was an uncompromising advocate of responsible fatherhood. Her non-relationship with her father hung overhead constantly, as well as the specter of what she called "nothing men."

Whenever my path appeared to stray, particularly as a teen, I think my mom must have seen visions of raising a man like her father. In these instances, her eyes would flash and even though I was several inches taller than her by then, she would still snatch me up, wrench my arm with one hand and jab my chest with the index finger of another. Boring through my eyes with hers, she would swear that she was raising a lot of things under her roof, but she wasn't raising

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"niggas to hang on the corner."

Even in moments when I had committed no transgression, I was treated to lectures on my responsibility to self, family, and the black community. Always frank with me about taboo subjects like teen pregnancy, my mom had a rule: If a girl showed up to my house and claimed she was carrying my child, paternity tests tests were not an option. If I'd had sex with her, I was the father, and my mother expected me to take responsibility for that child. And yet, I don't think that even my mom's diatribes against deadbeat dads were much different than any other black mother's. What made a difference for me, I think, was the example of my father.

On the surface, my father could not be mistaken for Cliff Huxtable. He was the product of abject poverty in Philadelphia, a high-school dropout. Before meeting my mother, he had already fathered five kids by three different women. But while her family was horrified by his gaggle of illegitimate children, my mom was attracted by the fact that he always seemed to be toting one or two of those kids around.

In theory, I suppose, my father probably qualified as a deadbeat in the sense that he provided little financial support for his large family. He never had any money. But what he lacked in money, he made up for with time. By the time I was born, my father had left the Black Panthers. But he still carried on his political activities, and tried to drill them into his kids. He dragged us around to black-nationalist events and he made us read little books on famous black people such as W.E.B. duBois. Thanks to him, I even was forced to endure a bout of "self-esteem work" in one of those Afrocentric rites-of-passage programs.

My dad also served as the "no-shit dude," who, as we got older, ran something of a reform school for kids—his kids—when they were teetering on the edge of serious trouble. When the mothers of his other children reached the point of exasperation with their teenage sons, those sons were often sent to live with us (I lived with both my mother and father). My father served as disciplinarian, and somehow managed to help my mother steer all of us back from the brink. He wasn't all bark, though. My fondest memories are of my father—a cooking enthusiast—gathering all his kids at his house and preparing a Maryland feast of crab cakes, fried whiting, hush puppies, and shrimp.

Oddly enough, the family feast idea was something he'd picked up from his own father, who was no Ward Cleaver. Aside from his many unclaimed children, my grandfather was also, by all accounts, a woman-beater and vicious disciplinarian. And yet if you ask my father what he remembers of him, he will tell you he remembers his father gathering all his kids together whenever possible, for whatever quality time he could.

My father's attempts to replicate those gatherings—and then some—show how far a good example can go towards creating a decent parent. Indeed, the combination of my father's example served us better than any rite-of-passage program could have. There are seven of us kids now. All except one of the four boys have children of our own. Some of us are married, most aren't. But there are no deadbeats among us.

Multiplying Mr. Moms

Many middle-class people, especially white ones, will think that my father should never have had all those kids in the first place. Likewise, to mainstream America, I am not exactly a hero for staying home to take care of my son, but irresponsible for having sired the child in the first place without finishing college, getting a good job, and securing a wedding ring. Yet if more men whose children weren't born under the most perfect of circumstances did what I did, the nation's black children would be far better off than they are now.

Farrakhan was right in calling on men to return to the family, but his insistence that they assume the traditional role of provider, while women submit to them, was highly misguided. After all, no black woman was going to take that submissive stuff seriously, and given the realities of the economy, a lot of dads, especially young ones, aren't going to become venture capitalists before their kids reach draft age.

Perhaps, instead of focusing so much on the check-writing aspect of fatherhood or trying to marry off unwilling partners for the children's sake, it's time for a political movement that seeks to transform "no-good niggas" into an army of Mr. Moms. Since no one has figured out how to make black men much richer, or married, for that matter, why not at least take advantage of the one asset we have in abundance: our time. For instance, instead of throwing young guys in jail when they fail to pay child support they couldn't possibly pay, how about making them babysit (with a few parenting classes first) while their children's mothers go to work?

Not only would the children be better off, but their fathers might actually discover what I already know: that fatherhood is fun, and that it really is the noble calling that I had envisioned, despite the crappy diapers. ●

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Designer Babies

Human cloning is a long way off, but bioengineered kids are already here.

BY SHANNON BROWNLEE

IN THE MID-1990S, EMBRYOLOGIST Jacques Cohen pioneered a promising new technique for helping infertile women have children. His technique, known as cytoplasmic transfer, was intended to "rescue" the eggs of infertile women who had undergone repeated, unsuccessful attempts at in vitro fertilization, or IVF. It involved injecting the cytoplasm found inside the eggs of a fertile donor, into the patient's eggs.

When the first baby conceived through cytoplasmic transfer was born in 1997, the press instantly hailed Cohen's technique as yet another technological miracle. But four years later, the real story has proven somewhat more complicated. Last year, Cohen and his colleagues at the Institute for Reproductive Medicine and Science of St. Barnabas, a New Jersey fertility clinic, set off alarm bells among bioethicists with the publication of a paper detailing the genetic condition of two the 17 cytoplasmic-transfer babies born through the clinic to date. The embryologists reported that they had endowed the children with extra bits of a special type of genetic material, known as mitochondrial DNA, or mtDNA, which came with the cytoplasm transferred from the donor eggs to the patient's.

That meant the resulting children had three genetic parents: mother, father, and mtDNA donor. It also meant that female children would transmit their unorthodox combination of mitochondrial DNA to their own offspring (mtDNA is passed down only through eggs), with unknown implications. In effect, Cohen had created the first bioengineered babies. As Cohen's group noted, their experiment was "The first case of human [inheritable] genetic modification resulting in normal, healthy children."

Just how normal those children will turn out to be is anybody's guess. At a recent meeting in Europe, the New Jersey researchers reported that one of the children conceived through cytoplasmic transfer has been diagnosed with "pervasive developmental disorder," a catch-all term for symptoms that range from mild delays in speech to autism. Cohen's group maintained that it is extremely unlikely that cytoplasmic transfer and the resulting mishmash of mtDNA is to blame.

But geneticists have only begun to trace the connections between mtDNA and a host of diseases ranging from strange metabolic ailments to diabetes and Lou Gehrig's disease, and some experts argued that the child's disorder may well be caused by a mismatch between the donor and mother's mtDNA. As Jim Cummins, a molecular biologist at Murdoch University in Western Australia, put it: "To deliberately create individuals with multiple mitochondrial genotypes without knowing the consequences is really a step into the dark."

Welcome to the murky world of "reprogenetics," as Princeton biologist Lee Silver has dubbed the merger between the science of genetics and the fertility industry. While much of the nation's attention has been focused on human cloning, a possibility that is still largely theoretical, a massive, uncontrolled

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experiment in bioengineering humans is well underway in the Wild West of American fertility clinics, as Cohen and his colleagues have demonstrated. Indeed, there has been more debate over—and far more research into—the implications of bioengineered corn than of bioengineered humans.

Now, many bioethicists believe that Cohen's experiment with cytoplasmic transfer was just one more small step towards a world in which eugenics is another name for making babies. Today, any couple with several thousand dollars to spare can choose the sex of their offspring, while parents who are carriers for certain genetic disorders can undergo IVF and have the resulting embryos genetically tested to ensure their children are free of disease. Tomorrow, parents may be able to enhance their offspring with designer genes. One day, the fertility industry's efforts to help couples conceive could bring society to the brink of altering the genetic heritage of the species.

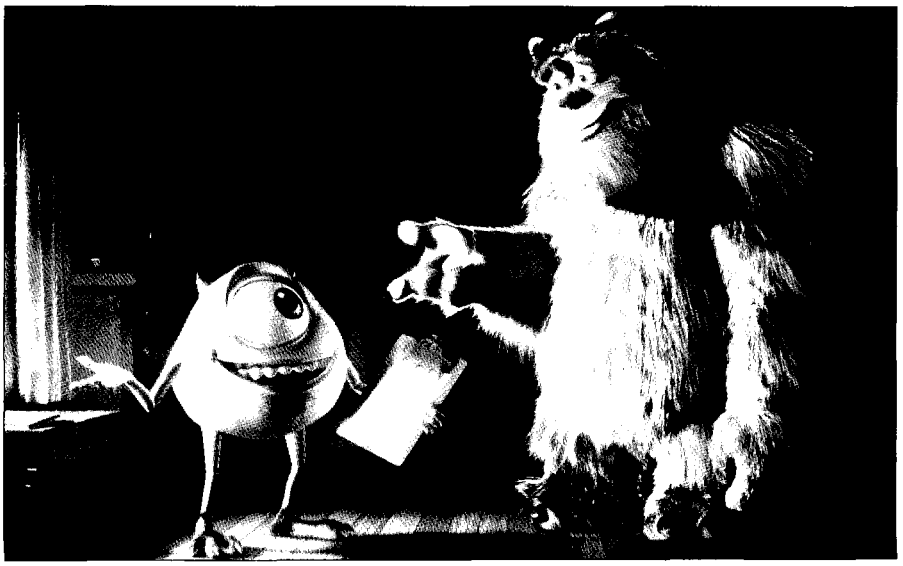
All that currently stands in the way of parents bent on practicing homegrown eugenics are the ethics of individual fertility specialists and the technical hurdles. Most fertility doctors have the best of intentions, to help patients get pregnant, and to avoid transmitting debilitating disease. And it is by no means certain that science will ever be able to offer parents the option of bioengineering their offspring.

All the same, the pace of the technology is dizzying. A year ago, scientists at the Oregon Regional Primate Research Center announced the birth of the first genetically engineered primate, named ANDi (for "inserted DNA" spelled backwards), a rhesus monkey whose cells contained the gene that makes jellyfish glow in the dark. The experiment was something of a flop; ANDi does not glow. (Rodents implanted with the gene do.) But imagine that one day science does acquire the skills to make "designer babies," that the connections between genes and complex traits such as intelligence or musical ability are finally known. While only the weirdest of parents would to want to genetically engineer offspring with jellyfish genes, others would undoubtedly jump at the chance to "customize" their children with a sparkling personality, brains, and beauty.

One need not be deeply religious or oppose abortion to be troubled by the prospect of a society in which, as bioethicist Alexander Capron puts it, "the wanted child becomes the made-to-order child."

One near-term possibility that many parents, if given the opportunity, will want to weed out embryos carrying genetic traits for a host of nonlethal conditions, like baldness, shyness, short stature, or homosexuality. Fertility specialists are already getting requests from prospective parents who want to know if they can be assured their embryos won't turn out to be hyperactive or gay. Today, Tom Sawyer and Huck Finn would have been diagnosed with attention-deficit disorder and medicated. Tomorrow, they might not be allowed out of the petri dish.

Yet thanks largely to abortion politics and our collective squeamishness about intruding on the individual's right to become a parent, the nation has few mechanisms in place for controlling the pace of this new technology, ensuring the safety of patients, or even talking about the ethics of such experiments.



Since 1998, the Food and Drug Administration (FDA) has argued that genetically manipulated embryos are a "biological product," and therefore subject to regulation, just like medical devices and drugs. But because of a

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quirk in federal law, the FDA's authority in this sphere is far from certain.

Last summer, FDA sent warning letters to six fertility centers threatening "enforcement action," and asserting its regulatory power over "therapy involving the transfer of genetic material by means other than the union of [sperm and egg.]" Cohen's clinic at St. Barnabas chose to stop performing cytoplasmic transfer. But at least two other recipients scoffed at the agency's threat: Panos Zavos, an embryologist at a Kentucky fertility clinic, and Brigitte Boisselier, the scientific director of Clonaid, the clinic set up by a group known as the Raelians, who believes human beings were genetically engineered by aliens. Both have announced their intentions to clone a human being.

Today, Tom Sawyer and Huck Finn would have been diagnosed with attention-deficit disorder and medicated. Tomorrow, they might not be allowed out of the petri dish.

Both also disputed the FDA's authority, and several bioethicists and legal scholars had to agree that the FDA could not prevent them from tinkering with human bioengineering. "It's a stretch for the FDA," says R. Alta Charo, a legal scholar and bioethicist at the University of Wisconsin, and former member of President Bill Clinton's Bioethics Advisory Committee.

A Fertile Market

When the state of Virginia approved the opening of the nation's first IVF clinic in Norfolk, Va., in 1980, anti-abortionists protested by the hundreds. Abortion opponents were concerned that fertility doctors would be playing God with babies' lives, and that they would discard or experiment on imperfect embryos before implantation. They also feared that couples would be inclined to abort abnormal fetuses.

Charles Dean Jr., president of the Norfolk chapter of the anti-abortion Virginia Society for Human Life, told *The Washington Post*, perhaps somewhat presciently, "There was no proper study of the medical, moral, legal and scientific merits [of IVF]. Meanwhile, we're charging off into the darkness, and I feel it's a tragedy and a disgrace."

In fact, there had been two decades of research in animals on IVF, and the protesters failed to block the Norfolk clinic from producing its first test-tube baby a year later. But abortion foes did manage to take their case to the federal government. After Louise Brown, the first test-tube baby, was born in England in 1978, and the potential for the new technology became apparent, researchers at the Norfolk clinic, along with several other American scientists, applied for federal funds for embryo research.

The anti-abortion movement, however, intervened and successfully lobbied the government to ban federal funding in the field. The ban did little to address the protesters' core concerns about the implications and use of new reproductive technology. In fact, one could argue that it only made the situation worse.

As it turned out, fertility doctors didn't need federal money. With millions of American couples unable to conceive, doctors and embryologists found a lucrative market for the end products of their work, which could legally continue so long as it involved no federal funds.

Financed entirely with private money, the burgeoning fertility industry emerged without a framework for deliberating the ethics of the technology. It also was not bound by any of the requirements that would have come with federally regulated research funds to adequately test new techniques for safety and efficacy before putting them into widespread use.

Not surprisingly, the industry boomed. In 1985, there were 30 fertility clinics in the U.S. A decade later, there were more than 300. More than one million couples seek fertility treatment each year, and spend more than $3 billion in pursuit of babies. Fees for IVF, the simplest procedure offered, vary between $5,000 and $15,000, with another $2,000 to $3,000 for fertility drugs. A new technology, called pre-implantation genetic diagnosis, or PGD, allows parents who are carriers for certain recessive genetic disorders, like cystic fibrosis and hemophilia, to screen embryos before they are transferred to the mother's womb. PGD can add several thousand dol-

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lars to the bill.

With so much money at stake, the market for fertility services is highly competitive, but without government regulation or oversight, the infertility business has become a bit like the dietary supplement industry. There are lots of miraculous claims but not much data to back them up—and tremendous financial incentive to push the envelope with radical new products.

The fertility industry had tremendous financial incentive to continue pushing the envelope with radical new products.

For instance, not all clinics are equally adept at producing babies. Clinic success rates have improved steadily over the last few years, from an average of 17 percent in 1992 for women under 40, to nearly 30 percent in 1999, the most recent year for which figures are available. But these rates vary wildly, from as low as 14 percent to as high as 60 percent.

And babies, of course, are what patients are paying for—usually out of their own pockets, because most insurers do not cover IVF treatment. Clinics have strong financial incentives to inflate their pregnancy rates, or at least to persuade prospective patients that their chances of getting pregnant are high. The largest clinics have substantial advertising budgets, and they market heavily to primary care physicians, who refer patients to clinics, with lavish dinners and seminars in exotic locales.

Assisted Hatching

The fertility industry's self-promotion has gone largely unchallenged, either by the media or the scientific community. While the press has hailed each new development as a godsend for desperate would-be parents, with headlines such as "Amazing Medical Breakthrough" and "New Hope for Infertile Couples," medical researchers who may doubt the validity of these claims have for the most part remained mute. That's because the ban on federal funding for embryo research has made objective analysis of new techniques nearly impossible, and have left infertile couples the unwitting participants in a vast experiment of largely untested technology.

Scientific development in the field has fallen not to high-caliber, federally funded embryologists, but instead to the clinics themselves, which use profits from patients to conduct research. The technology has proceeded with minimal government oversight and peer review, and in the opinion of many biologists, has suffered in quality as a result. "There is no real hard-core scientific background on the part of many of the individuals who are doing this work," says Jonathan Van Blerkom, a leading embryologist at the University of Colorado. Clinics focus their efforts almost exclusively on increasing pregnancy rates, often with little regard for the basic biology and potential consequences to patients and babies.

In the early 1990s, for example, clinics were trumpeting an alphabet soup of new techniques, with names like GIFT, for gamete intra-fallopian transfer, and ZIFT, for zygote intra-fallopian transfer. Both involved surgery, and were used on hundreds of patients, only to be abandoned when clinicians figured out they did not improve pregnancy rates and other techniques proved more helpful.

"Co-culture," the practice of mixing reproductive tissue taken from animals with the culture medium was widely used to incubate embryos, with little regard for the possibility that animal tissue might contain contaminants, such as the infectious agent that causes mad cow disease. Without quantitative results to guide the field, such untested techniques as co-culture are often adopted on faith.

In most cases, patients and potential offspring were unharmed, but not always. Take, for example, "assisted hatching" a technique that involves creating a tiny hole in the outer covering of an embryo just before transferring it to the mother's womb. Many fertility specialists believe that assisted hatching helps embryos implant properly in the womb and boosts pregnancy rates, although they have little hard evidence for this. Assisted hatching also may increase the risk of conjoined, or Siamese, twins. But there are no statistics available to pin down the risk, because most families choose to abort, and clinics are reluctant to publish such results.

Then there's intra-cytoplasmic sperm injection (ICSI), a procedure that was hailed in the mid-90s as a breakthrough in male infertility. ICSI does indeed allow men with few or feeble sperm to become fathers. An embryologist draws a single

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sperm into a micro-needle and then injects it directly into the mother's egg, rather than simply mixing sperm and eggs in a petri dish, as in normal IVF.

To date, several thousand American babies have been born thanks to the steady hands of embryologists. Yet the technology's long-term safety is still unclear. "ICSI is almost certainly going to increase the likelihood of male infertility in the offspring," says Murdoch University's Jim Cummins. Since ICSI is only ten years old, there's no way to settle the question until ICSI boys grow up.

In the meantime, ICSI children may be vulnerable to birth defects. In November 1997, *The British Medical Journal* published a controversial study that found that ICSI babies were 200 percent more likely to have a major birth defect than babies conceived naturally, and 50 percent more likely to have a minor defect. Some critics argue that this study suffers from statistical flaws, but a variation on the technology, known as second-day ICSI, heightens the risk of such chromosomal abnormalities as Down's syndrome, and clinics have stopped using it.

Multiplicity

Even when techniques pose a clear danger to offspring, clinics are loath to abandon them as long as they boost pregnancy rates. The most glaring example is the practice of transferring multiple embryos to a woman's womb. Since 1980, according to the National Center for Health Statistics, the number of twins born per year has risen 67 percent. The rate of triplets and higher-order birth multiples has soared from 37 per 100,000 live births in 1980 to 184 per 100,000 in 1999. The increase is due almost entirely, according to federal statisticians, to fertility treatments. Only 20 percent of triplets and higher-order multiples are conceived naturally. (Most extremely high-order multiples, like the McCaughey septuplets, occur when the woman is given fertility drugs and her doctor fails to recognize how many eggs she has produced.)

The risks to multiples and their mother are substantial, and so is the cost. Women pregnant with multiples are more likely than those with singletons to suffer premature delivery, toxemia (a potentially fatal form of high blood pressure), and hemorrhage. Their infants are vulnerable to cerebral palsy, learning disabilities, blindness, developmental delays, and mental retardation, largely because they are often born prematurely. While there are no national statistics on the cost of multiples, a recent study, published in *The Journal of Maternal and Fetal Medicine*, found that the average charge per triplet pregnancy at one New York City hospital was nearly $190,000. Other studies have shown that triplets can cost as much as 400 times a standard singleton pregnancy and delivery.

"Data on higher-order gestations have been known for years," says Van Blerkom. But fertility clinics have been unwilling to do anything about it he says, for fear they would cut their pregnancy rates. "Have you ever seen a fertility specialist stand next to a couple with their premature quads and say, 'This is a disaster for these patients. I think we blew it?'" says Van Blerkom. "Most people in the field were content to let selective terminations at week 13 or 14 clean up the problem."

Under pressure from insurance companies, who often refuse to pay for IVF but wind up footing the bill for multiple births, the American Society for Reproductive Medicine finally issued guidelines last year aimed at reducing the chances of multiples. From the outside, the guidelines seem self-evident: For younger patients, ASRM recommended transferring at most two embryos to the mother's womb; older women, whose embryos are less likely to implant in the uterus and begin developing, can receive as many as five.

But for clinics, the dual pressures of profitability and desperate patients have made such seemingly obvious precautions difficult to follow. "We're under pressure to have high pregnancy rates," complains one clinic doctor. "The problem is we've never had any way of knowing what was the right number of embryos to transfer."

European fertility specialists, who are often required by law to transfer no more than one or two embryos to a single patient, don't seem to have the same trouble. They use research conducted by Van Blerkom and others in the late 1990s showing how to select the most viable embryos and reduce the number that is transferred to the mother. But choosing embryos requires painstaking attention, often at odd hours of the night, and American fertility clinics have been reluctant to invest in technologists who can perform it.

Without federal funding for studies, or oversight from a government body like the FDA, reproductive medicine has had little outside incentive to make such changes as bringing down the rate of multiple births. "We've got the worst system you could possibly come up with," says Dr. Lawrence Udoff, a fertility specialist and director of the preimplantation genetics program at the University of

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Maryland at Baltimore. "There are people in this business who are a lot better at marketing than they are at replicating their results. The patient ends up footing the bill for procedures that are untested."

The industry trade group, the American Society for Reproductive Medicine, argues that fertility doctors are doing nothing different from any other specialist. "Reproductive medicine starts from the same regulatory basis as every other kind of medicine," says ASRM spokesman, Sean Tipton. If a heart surgeon thinks a new way of tying off an artery might work, she simply does it. If the patient lives, she tries it again. Eventually, she may take a retrospective look at her cases and compare the outcomes of those who received the new method versus the old.

It is also true, however, that the history of medicine is littered with examples of doctors unquestioningly adopting new treatments long before they have been evaluated, only to abandon them when they turn out to be ineffective—or worse. More than 30,000 women with breast cancer received high dose chemotherapy with bone-marrow transplants in the 1980s and 90s. At least 9,000 died from the treatment before researchers finally performed clinical trials, which ultimately demonstrated that high dosage is no better than standard chemotherapy regimens.

The deeper question, of course, is why we allow uncontrolled experimentation on human subjects in any branch of medicine. But the issue is particularly pressing for reproductive technologies, especially now that fertility centers are wading into the uncharted waters of the gene pool.

Embryologists have already experimented with transferring the nucleus of an older woman's egg into a young donor's egg from which the nucleus has been removed, a technique that is similar to the method used to create Dolly, the sheep. Another fertility team successfully split a human embryo into several identical copies, a trick that could one day help infertile women who produce very few eggs. But it could also make possible such Dorian Gray scenarios as multiple identical embryos being thawed and then born several years apart, or a woman giving birth to herself.

Baby Blues

In hindsight, perhaps the anti-abortion activists who feared the emergence of technology like IVF were right to step back and question the larger implications. While few Americans would begrudge infertile couples the babies that have been produced through IVF, the issues now being raised by genetic engineering are not ones to be taken lightly, and a national consensus can only be arrived at through vigorous public debate.

Some of that debate emerged in 2000, when Lisa and Jack Nash briefly made the news when their son Adam was born in Colorado. The Nashes already had one child, six-year-old Molly, who was born with a rare genetic bone marrow disease that would kill her unless she received a transplant from someone with the identical tissue type. Both Lisa and Jack were carriers for Fanconi anemia, a genetic disorder, leaving them with a one-in-four chance of having another affected child each time Lisa got pregnant.

The Nashes elected, instead, to conceive 15 embryos and subject them to PGD, or pre-implantation genetic diagnosis. A single cell was taken from each embryo and tested for the presence of the genetic mutation that causes Fanconi anemia. Then the Nashes went a step further, and had the embryos checked to see which one carried a tissue type that matched their daughter, Molly's. Adam was born in Denver in August. In September, doctors in Minnesota performed a stem cell transplant on Molly, using blood taken at birth from Adam's umbilical cord and his bone marrow. Today, the Nashes have two healthy children. Faced with the same situation, many American parents would undoubtedly choose the same course.

At the same time, the Nash case raises the unsettling possibility of parents bearing children not to love and cherish them, but for the purpose of harvesting their tissue. And what about parents who simply want their kids to be like them, genetic warts and all? Consider the deaf lesbian couple in Washington, D.C., who recently sought a sperm donor who was also congenitally deaf, so they could be assured of a deaf child. Such desires might seem reasonable if not for the fact that any parent who deafened a hearing baby would be charged with child abuse.

Under the current political landscape, the nation has little control over what it deems acceptable. Americans may one day decide that it is perfectly all right to genetically engineer children with blue skin or webbed feet or any other trait that parents see fit. In the meantime, current practices in the fertility industry could use some oversight. Thus far, however, the only legislative response to worrisome reproductive technologies has been to ban them and accuse their practitioners of "playing God," an argument that appeals to conservative constituents but will in the short term, at least, prove futile. Says

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former bioethics committee member Charo, "As soon as you have absolute prohibitions you run into constitutional challenges."

Over the long term, banning certain technologies, such as reproductive cloning, may well be advisable, but reining in the pace of reprogenetics now is going to take a network of regulatory solutions. First on the list: Update the FDA's decades-old charter. In recent years, Congress has generally sided with business against the agency, beating back its efforts to rein in the herbal medicine industry, for example. But legislators have already signaled their distaste for reproductive cloning, and the balance of power is likely to shift when it comes to giving the FDA regulatory control over reprogenetics.

One new technique that involves splitting an embryo into several identical copies could result in multiple embryos being thawed and then born several years apart —or a woman giving birth to herself.

The FDA, along with the U.S. Department of Health and Human Services (HHS), jointly oversee the protection of human subjects in clinical trials, which are required to demonstrate safety and efficacy before new drugs or medical devices can be licensed for market. Most of the time, companies put their products through rigorous testing in animals long before proceeding to human experimentation. Applying the same standards to human embryo experiments would compel fertility clinics to perform similar tests before subjecting patients to new reprogenetic technologies. It would also entail the creation of specialized review boards with the expertise to evaluate human reproductive experiments.

Tweaking tort law would also impose greater discipline on fertility doctors and would-be human genetic engineers. Current malpractice law rests on the idea of negligence, which means that plaintiffs must demonstrate that a doctor failed to provide care in accordance with accepted standards. In fast-moving, innovative arenas of medicine, such as fertility, there is no established or accepted "standard of care." Not surprisingly, fertility patients almost never sue, in part because they can't find lawyers to take their cases.

One solution, says Charo, is to stop using negligence as the standard for reproductive medicine, and impose strict liability instead. If the patient or child suffers a bad outcome, the clinic is liable, and patients could, in effect, sue for wrongful life.

England also offers a model for creating boundaries for thornier issues bordering on eugenics. A decade after the birth of the first test-tube baby, Parliament created a licensing board, the Human Fertilization and Embryology Authority (HFEA), which has kept a tight lid on burgeoning genetic technologies since 1991—to the dismay of some would-be patients and clinic directors.

In a recent case before the HFEA, for example, a family with four boys that had lost their young daughter in a fire asked to be allowed to choose female embryos for IVF. HFEA refused, fearing that sex selection for purposes other than to prevent a sex-linked disease, such as hemophilia, would push British society toward eugenics, or at least widespread sex-selection. A national licensing board like the HFEA would probably prove unworkable in this country, but the U.S. would do well to create an advisory panel for reproductive technologies that would provide a public forum for what are now individual decisions with huge social consequences.

Finally, anti-abortion activists need to recognize that federal involvement in embryo research is critical for limiting the risks posed by genetic engineering of the future and improving the current outcomes for families desperately seeking to have a child. Tens of thousands of embryos are discarded by fertility clinics each year because embryologists are not allowed to work on them using federal dollars. If conservatives wish to ban the creation of embryos for the purpose of research, they should focus their formidable political power on allowing research on embryos created in the hopes of producing a child.

Funding such science would certainly bring a higher level of rigor to the field and increased oversight of human experimentation. The nation is already sliding down a slippery slope toward the age of reprogenetics. Our only hope of slowing the pace is to apply the brakes of regulation.

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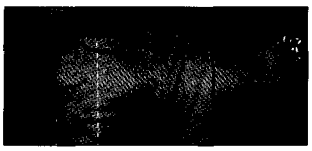
Tidbits & Outrages

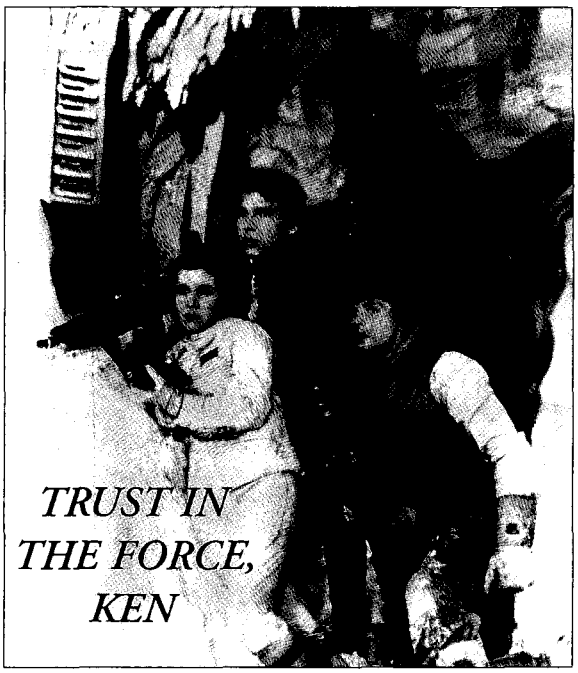
"THE GAP" IN AMERICAN FOREIGN POLICY



Government instructions to appear more Western have prompted a run on Afghanistan's limited supply of pants. "I must wear them because everyone else is wearing them," an Afghan student, in true Western fashion, told the *Chicago Tribune.*

FURTHER GROUNDS FOR MEDICARE EXPANSION

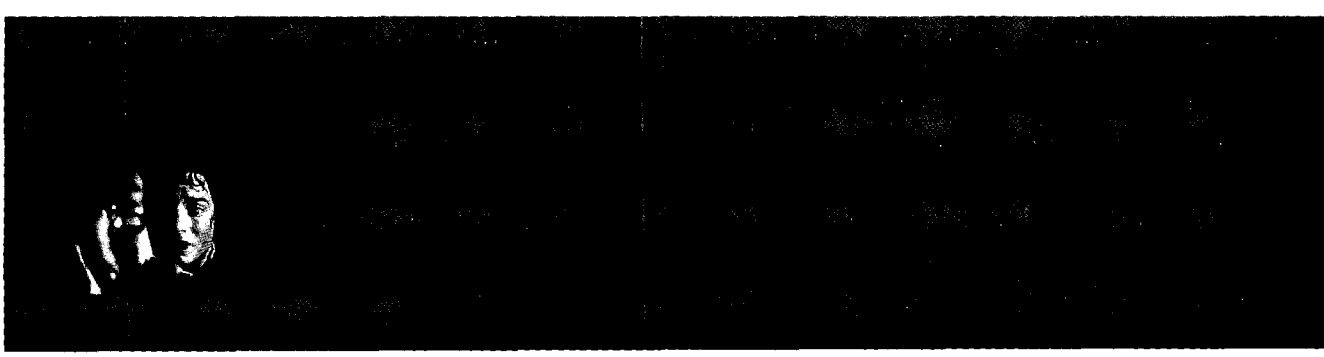
Six passengers were ejected from a Carnival Cruise Lines ship for bringing aboard 160 live, bottled bees—"alternative" medication for one of the six who has multiple sclerosis.



The outside partnerships Enron created to keep $600 million in debt hidden were named after *Star Wars* characters, including Chewco and Jedi.

WHO KNEW THEY MEANT ACCOUNTING?

"It's difficult, too, to talk about Enron without using the word 'innovative.' Most of the things we do have never been done before." —from the "Who We Are" section of Enron's website



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The Broadband Militia

A new breed of underground Internet entrepreneurs could end the recession. If only Washington would let them.

By Michael Behar

On a recent crisp sunny day in Manhattan, I strolled up to a faded wrought-iron bench in Tompkins Square Park, flipped open my new Sony Vaio laptop, and as I sipped a cappuccino, began downloading my email. While new messages zipped into my PC at speeds many times faster than a dial-up connection, I scanned the day's headlines on CNN.com, then clicked over to E*Trade to eye the market. In a handful of New York City's parks, coffeehouses, and other public areas, many are doing the same: getting online, surfing the Web, and checking email. And, like me, they're doing it wirelessly. What's more, they're avoiding the aggravations typically associated with getting high-speed Internet: no more waiting months for DSL providers to switch on service or for cable providers to upgrade your building. Wireless broadband is happening now, and best of all, it's free.

Sound too good to be true? It isn't. A few blocks away, someone is paying for our broadband access (the catchall term for high-speed, high-capacity Internet). A typical broadband connection pipes so much bandwidth into a customer's home—more than any one person really needs—that my benefactor is happy to share the excess with whomever cares to use it. He does this by beaming his standard DSL broadband signal through a "wireless base-station," a device about the size of a paperback novel with a stubby black antenna. Base stations are designed to send a broadband signal a few hundred feet, which would allow you to receive a wireless Internet connection in most of the rooms in your home. Recently, however, a growing number of broadband customers have discovered that they can boost the range of wireless signals several miles with homemade antennas fashioned from no more than an empty Pringles potato-chip can, or scraps of metal, wire, and tinfoil. Yet what started as a clever technique to share bandwidth with friends and neighbors has grown into a national grassroots movement called Free Wireless. Today, legions of tech-savvy hobbyists have formed what amounts to a "broadband militia" and they are spreading something that many people these days want but still can't get: cheap, fast access to the Internet.

Broadband isn't merely a neat high-tech option, like a CD burner, but a potentially transformative technology with the power to jumpstart the American economy. The stock market boom of the late 1990s was fueled in large part by the promise of a dazzling array of new applications that broadband would enable—everything from seamless video-conferencing and downloading movies-on-demand to online doctors' visits and court appearances. One reason tech stocks were bid up so high is that many of these applications were ready to be deployed and needed only universal broadband to do so, something everyone figured was imminent. Only it wasn't. Today, 90 percent of American households still don't have broadband (fewer than 10 million people do). Many believe that

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the key to ending the recession is spreading broadband to all those potential customers, which would give high-tech companies a delivery mechanism for their products and allow these new industries to take off.

Unfortunately, exactly the opposite is happening. After rising steadily for the last five years, the number of new broadband users has slowed. The good news is that the necessary foundation for universal broadband has already been put in place. In the last decade, investors spent $90 billion laying the fiber-optic cable networks that became the "backbone" which would bring broadband to the masses. The bad news is that today, 97 percent of it sits unused. That's because the telecommunications industry hasn't been able to bridge the gap between this fiber-optic backbone and people's homes at a price that the public is willing to pay. In fact, while the price of most technology falls, the price local phone companies charge for broadband is going up. Those price hikes are the natural result of the phone companies' monopoly, which has allowed them to squeeze out small competing Internet service providers, or ISPs (see "Disconnect," October 2001).

The cost and hassle of providing broadband to the residences and businesses of people who want it has become too big an obstacle. In order to get most forms of broadband from the backbone to your home, Baby Bells and cable companies have to upgrade their networking gear, swapping out older technology for equipment that can handle data traveling in two directions. And in neighborhoods that lack decent landlines it means laying wire from this new backbone to each individual customer at an expense of about $1,500 per home—a fee few Internet users are willing to pay. For broadband providers to foot the bill, they'd have to invest another $100 to $300 billion in infrastructure costs—impossible in today's depressed tech market and a sobering realization that's triggered an abrupt halt to broadband expansion. As ISPs go under, consumers are left with few choices for faster Internet service.

Fortunately, the recession is finally forcing Washington to pay attention. The Bush administration says that broadband expansion is a top economic priority. It assembled a high-level "tech-team" that has met dozens of times with executives and lobbyists to discuss broadband. In January, Senate Majority Leader Tom Daschle D-S.D.) included universal broadband access in the Democrats' economic-revival plan. Broadband got a further push a week later when the technology industry launched a major lobbying effort to establish a national goal of creating 100 million new broadband customers by 2010. As *The Washington Post* put it recently, "broadband is a new battle cry in Washington."

But there's a problem: There are many ways to deliver broadband to users, but Washington only hears about the ones touted by well-funded lobbyists for the phone, cable, and satellite companies, all of which are competing fiercely to become the preferred broadband technology and control and profit from the mass dissemination that everyone agrees will one day come about. None of these options, however, has a prayer of getting broadband to the masses quickly and cheaply. Worse, the big Internet providers are asking the Bush administration for vast tax breaks, subsidies, and regulatory favors to help them. The truth is that there's only one way to spread broadband cheaply and quickly: wirelessly. But that's the one method not being seriously discussed in Washington.

Broadband Through a Pringles Can

The idea of wireless networking is not all that new. Long before Free Wireless emerged, several breeds of wireless technology had attained consumer success. Remember the HAMM radio craze in the 1970s? Or how about infrared direct access, also known as IrDA? In the early 1990s, most computers and laptops came equipped with IrDA, which allows you to transfer data between machines. (Got a Palm Pilot? Many PDAs use it to beam messages between handheld devices.) The broadband offered through Free Wireless operates similarly, on a small chunk of unlicensed spectrum the FCC set aside in 1993, which goes by the clunky name of "802.11b." Originally, 802.11b—also called "wireless fidelity" or WiFi—was designed for home networking, allowing you to simultaneously link several computers to a single Internet connection. Place a base station in your den, connect it to your modem, and it will generate a wireless network throughout your home—sort of like a baby monitor.

When technology designed to utilize 802.11b arrived, the idea once again was to use it as a low-cost, in-home wireless network. For about $300, you can buy Apple's Airport Base Station, which will beam a signal to any nearby computer equipped with a $100 Airport card. The pitch for Airport and similar devices is that mom, dad, brother, and sister can all surf the net simultaneously. On a standard, 56K dial-up connection, that's about all it's good for; there isn't much extra bandwidth to siphon off for additional users. But as the number of folks with DSL, cable modems, and T-1 broadband connections grew, the extra bandwidth meant they could now share their super-fast Internet connection with dozens of other users without any noticeable loss in speed. Since 802.11b works through walls, around corners, is rarely corrupted by interference, and can, with a makeshift antenna,

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have its range extended thousands of feet beyond the base station, hackers quickly realized there was no reason to limit the signal to their home or office.

By the middle of 1999, Free Wireless pioneers had discovered how to boost and retransmit their broadband signal up to several miles beyond their base stations. That meant a single user could pay an Internet service provider for a DSL, cable, or T1 connection, then broadcast access to it to everyone in their building or, in rural areas, to neighbors miles away. Today, city blocks once doomed to temperamental AOL dial-up connections are enjoying lightning-fast 802.11b-powered networks. While lawmakers bicker over how to spread broadband, engineers, computer scientists, and various geeks and hobbyists the world over are one step ahead, setting up wireless broadband networks in at least 25 cities, including New York, San Francisco, Boston, and Denver, as well as in remote regions of Alaska and Maine. It's also popping up in South American, Europe, Asia, Australia, and Canada.

There's one way to spread broadband cheaply and quickly: wirelessly. And that's the one method not being discussed in Washington.

The Do-It-Yourself Economic Stimulus Package

One thing that everyone can agree on is that broadband spurs innovation. To understand how, look no further than your local college campus. Colleges and universities were some of the first places wired for broadband access. In the late '90s, at Northeastern University in Boston, a freshman named Shawn Fanning decided to take advantage of the bandwidth at his disposal and created a program to trade electronic music files with friends. The result was Napster, which launched a revolution in how the Internet is used. It's no coincidence that many of Napster's heaviest users were college kids with broadband access; Napster created such high demand that many schools banned students from swapping music files because their servers were overwhelmed.

It's this kind of innovation and subsequent demand that has business types so eager to spread broadband. While lobbyists and telecom conglomerates arm wrestle over ownership and policy decisions, Free Wireless is demonstrating why the excitement over broadband is justified. "I find that nearly everyone I tell about it comes up with some new idea, application, or use of the technology," says Anthony Townsend, a co-founder of NYC Wireless, one of the nation's largest and fastest-growing Free Wireless networks. "We have had artists who want to use 802.11b for interactive sculptures, community activists who want to use it to bridge the digital divide in poor neighborhoods and public housing projects, and many other ideas we would have never thought of alone." Within days of the attack on the World Trade Center, when phone lines and cables were severed, NYC Wireless members established an ad hoc high-speed network at Ground Zero, linking rescue workers and survivors to the outside world.

Beyond coffeehouses and parks, the Free Wireless movement has been critical in bestowing broadband on regions where geography renders landline Internet access impossible. In Owl's Head, Maine, for instance, Jason Philbrook, founder of Midcoast Internet Solutions, employs a version of this technology to beam wireless Internet access to some of the most remote regions of his state. Midcoast charges for its service, placing it just outside the definition of Free Wireless. But it demonstrates the amazing possibilities for wireless broadband in areas where traditional ISPs would be loathe to invest.

More ambitious plans are also afoot for 802.11b. The Swedish company SAS has announced its intention to use 802.11b on Boeing 737 commercial airliners to give passengers in-flight wireless Internet access. Delphi is equipping cars with 802.11b-compatible dashboard entertainment centers. In January, at the International Consumer Electronics Show in Las Vegas, Delphi demonstrated 802.11b-ready cars that can download music wirelessly from a home network to an MP3-compatible audio deck, which will let you load up your car stereo with MP3 tunes for a long road trip or even trade songs wirelessly with other cars during a traffic jam. The possible business applications for wireless broadband are practically limitless, something the Free Wireless movement is helping to demonstrate.

Stealing Cable or Selling Cookies?

There is considerable dispute within the Free Wireless movement over who, if anyone, should pay for Internet access. Many Free Wireless pioneers envision a return to the utopian ideals that marked the early days of the Internet: an organic, dynamic system that would bind communities with free, unregulated access. One such

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person is Drew Ulricksen, who last year founded the Free Wireless advocacy group, Wireless Anarchy. "The beauty of WiFi," says Ulricksen, "is that with this technology we don't need to pay anyone for last mile access—we can do it ourselves." Ulricksen's views are balanced by those of a more realistic camp that champions the idea of wireless broadband, but recognizes that, if there's ever going to be a broadband revolution, somebody has to pick up the tab.

One reason the stock market boomed in the late 1990s was the promise of dazzling new broadband applications. Everyone assumed that access was imminent. Only it wasn't.

A few of the more entrepreneurially minded have begun collecting money for the service. Sean Berry, a Unix systems engineer in Menlo Park, Calif., pays about $80 a month for his DSL service, which he beams to friends and neighbors who chip in to cover the monthly fee. Berry's collective points toward an innovative business model, since the cost to each user is a fraction of what they'd otherwise pay.

The debate between the "free" and "fee" camps is a friendly one. Less cordial is the growing dispute between small entrepreneurs and the telecom companies who are becoming increasingly upset that their broadband is being resold. So far, this hasn't been much of a problem, since the Free Wireless movement is so small that most ISPs haven't explicitly forbid them. "It's largely off their radar map," says Townsend, of NYC Wireless. But that won't be true for much longer. Andrew Johnson, a spokesman for AT&T, likens the actions of entrepreneurs such as Berry to cable theft and threatens to disconnect any customer caught sharing their connection. In fact, AT&T has begun to conduct regular neighborhood fly-overs in search of rogue signals being transmitted from its customers. But AT&T can't catch everyone, particularly in urban areas where an 802.11b signal gets lost in the sea of radio waves created by other wireless devices. So for now, Free Wireless is proliferating.

But the battle over broadband raises the important question of whether bandwidth is a commodity. Small entrepreneurs think it is. After all, they reason, can a flour company demand a cut of the profits from cookies you sell at a bake sale just because you baked them with their flour? Absurd as this question might seem, the Free Wireless movement is forcing ISPs and telecom companies to define the exact legal limits of bandwidth allocation. That, in essence, is the problem with Free Wireless: It's at the mercy of the Baby Bells and cable companies, which, once the movement reaches critical mass, will crack down hard when they discover they're losing market share to a bunch of hackers.

Many of these do-it-yourself broadband networkers pride themselves on scrupulous adherence to the law, pointing out that the contracts they sign with ISPs to get their broadband connections don't prohibit them from reselling some of their bandwidth. People like Dewayne Hendricks, a wireless network developer who runs a company called the Dandin Group, pays $925 a month for his T-1 connection, which, he says, "gives me the right to act as my own ISP and redistribute bandwidth [wirelessly] without restrictions." In turn, he is spreading broadband to neighborhoods where cable or DSL providers can't or won't service, such as the wireless network he recently began building for the Turtle Mountain Chippewa Reservation in Belcourt, N.D.

Along with his partner Matt Peterson, Tim Pozar, the co-founder of the Bay Area Wireless Users Group, was among the first to help communities set up 802.11b networks. "We want to educate people on how to create 802.11b networks that adhere to the FCC rules and regulations on how you can use this portion of unlicensed bandwidth," he explains. "We're encouraging people to build mom-and-pop [wireless networks] and a lot of people are going out there and doing it." Indeed, hundreds of Bay Area networks have already been built on this model. It would be tough to argue with Pozar's prescription for spreading broadband were it not for the sticky issue of legality: One problem with Free Wireless which Hendricks points out is that FCC regulations forbid the kind of souped-up base stations that beam wireless broadband signals to entire neighborhoods. It's true that the Free Wireless folks can spread broadband more quickly and easily than a traditional ISP, but at the same time they operate in a legal gray area—a fact that may eventually lead to their demise.

Phone Companies Killed the Tech Boom

Killing the Free Wireless movement in its infancy would be tragic, because the alternatives for spreading broadband are fraught with problems. Not only

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are the cable, phone, and satellite companies many years and billions of dollars away from creating universal broadband, but if small entrepreneurs disappear, so will customer choice: whichever of the major providers controls broadband also influences what its subscribers see and do online. In much the same way that Microsoft dominates the browser market, it's conceivable that a phone company such as Verizon could cut deals with certain news and shopping sites, then instruct its network to steer unwitting customers toward its content partners. By controlling the broadband gateway, it could even go so far as to ensure that non-partner pages download slower than preferred portals to encourage—or force—users to stay within the Verizon "family."

At a time when Washington is flummoxed over how to spread broadband and spur the next economic boom, the Free Wireless movement is pointing the way toward a cheaper, faster way to bring broadband to the masses. The trouble is, cutting-edge entrepreneurs like Hendricks and Berry have no real presence in Washington, which is where the future of broadband will soon be decided. Right now, the debate is shaping up as a battle between the Baby Bells, cable companies, and the big wireless phone companies, all of whom have hired lobbyists and are jockeying to guide federal subsidies and regulatory advantages their way in a bid to claim for themselves this vast potential market (if you live in Washington, surely you too have been bombarded will all the television commercials for and against broadband legislation). But it will take big industry years and billions of dollars to deliver universal broadband through their preferred means.

Washington lawmakers need to create a regulatory environment in which small entrepreneurs can flourish. The first step is to clear up the law so that broadband entrepreneurs are free to resell broadband to customers quickly and affordably. AT&T may flinch over this, but NYC Wireless's Townsend makes the point that "big ISPs will come to see us as a good thing—we're building demand for broadband by demonstrating its possibilities." The vast majority of Americans could receive some form of broadband, but due to price and hassle, so far have elected not to. Low-cost wireless community networks could change this, giving customers an easy way to get online, sparking demand for broadband applications and kicking the economy into high gear.

None of this can happen until the FCC frees up more unlicensed spectrum. While 802.11b has proven its potential for enabling cheap wireless networking, the downside is that it can only handle a limited amount of users before interference becomes a problem. Fortunately, there is plenty of available spectrum that could fill this need—the catch is that it's controlled by powerful businesses which got their spectrum years ago and aren't permitted to sell it. Television broadcasters are the best case in point: Several years ago, the government allotted them, at no cost, new spectrum for high-definition television, which looked at the time to be the next stage in broadcast technology. But that idea fizzled. Digital television is instead being deployed at a rapid clip through cable. It's time to take that spectrum back.

Try Before You Buy

Unfortunately, the Bush administration looks to be on the brink of doing exactly the wrong thing: giving Baby Bells and cable operators complete and exclusive control of their lines, effectively shutting out competition. The Baby Bells have already shown their eagerness to deny access to independent ISPs, driving many out of business. Surely, they would move just as swiftly to deny small broadband entrepreneurs the right to re-sell their signal if doing so meant sacrificing potential customers.

Throughout American history, our economy has thrived when individual entrepreneurs led the way—from homesteaders in the 19th century to the 1970s garage-geeks who founded some of today's biggest Silicon Valley tech companies. New wireless technologies could enable legions of small broadband entrepreneurs to deliver high-speed wireless Internet to tens of thousands of Americans at lower prices. Once online, these new broadband users will not only unleash long-awaited features like movies-on-demand and videoconferencing, but also set the stage for more Napster-like innovation from smaller entrepreneurs. (Ninety percent of small businesses lack broadband.)

Today, the closest thing to anytime-anywhere wireless broadband service is provided by a company called Boingo, which is garnering heaps of praise from the tech press and early adopters like me. Boingo sells "sniffer" software that hunts for 802.11b networks in the vicinity of your laptop, wherever it may happen to be. Next month, I'm travelling to San Jose and then to Seattle—both cities covered under the Boingo umbrella. While on the road, I'll be able to flip open my laptop and get fast, wireless broadband service. And I don't even need a Pringles can.

Lawmakers debating the future of broadband should take note: Before you side with big industry and sabotage free wireless, give this service a shot and discover the future of broadband yourself. Thousands of voters already have. Millions more are bound to be impressed with whomever recognizes this hidden key to fixing the economy. ●

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Why Can't Democrats Get Tough?

Bush's White House is partisan, imperial, and ruthless, but not invulnerable

BY PAUL GLASTRIS

ON NOV. 22, 2000, IT LOOKED as if the presidency of the United States was about to be decided in Miami, Fla. That morning, a three-judge canvassing board in Miami-Dade County resolved to recount 10,750 "undervotes"—ballots which machines had read as showing no vote for president, but which, examined by hand, might reveal such evidence of voter intent as the now-famous "dangling chads." Outraged operatives for George W. Bush, fearing that Al Gore might pick up enough votes to win, labored to convince the judges to stop the recount. When their legal arguments failed, they turned to a different form of persuasion.

As the judges repaired to a room to examine the votes, dozens of GOP "protesters" (mostly young Republican congressional aides flown in from Washington) gathered in the vestibule outside. Though two Republican observers were inside the room, and the "protesters" could watch the proceedings from afar through a window, they nevertheless convinced themselves that something nefarious was going on. The crowd started chanting "They're stealing the election," and "No justice, no peace!" They banged on the door of the tabulation room and physically harassed people coming in and out. After several hours of chaos, the judges relented. Citing a lack of time, they announced that they were stopping the Miami-Dade recount for good.

Right-wing pundits weren't troubled by the GOP's thuggishness. They were psyched. *Wall Street Journal* columnist (now editorial page editor) Paul Gigot praised the "bourgeois riot" as a sign that Republicans had finally learned to "fight like Democrats."

Problem was, Democrats weren't fighting like Democrats. They staged no counter-demonstrations that day in Miami. Why? Because the vice president himself, fearing bad press, expressly ordered that unionists, civil rights activists, and other liberal ground troops should stay out of Florida.

The recount was a study in the starkly different political styles that characterize the two parties. To lead his recount effort , Gore chose Warren Christopher, widely admired for his rectitude and judiciousness. Bush chose James Baker, widely feared for his cold-blooded effectiveness. Christopher sent lawyers to Florida. Baker sent lawyers—and press people, and political surrogates, and operatives to stir up Cuban street protests. The Gore team called high-mindedly for an indeterminate process: We don't know who won, so count every vote. The Bush team sternly demanded a concrete result: We know who won, so stop the recount. When lawyers for Gore suggested slapping a subpoena on Florida Secretary of State Katherine Harris to prove she was taking orders from the Bush campaign (which she was) and therefore abusing her discretion, top Gore officials in Nashville overruled the plan as too incendiary. A month later, the Bush legal team publicly accused chief Gore aide Ron Klain of violating court orders by announcing the results of a partial recount—a charge the court summarily dismissed.

Why did Gore's side so consistently fail to act as ruthlessly as Bush's team in Florida? A big part of the reason, argues Jeffrey Toobin in his chronicle of the recount, *Too Close to Call*, was Gore's obsessive concern with how official Washington would respond. Gore "agonized about

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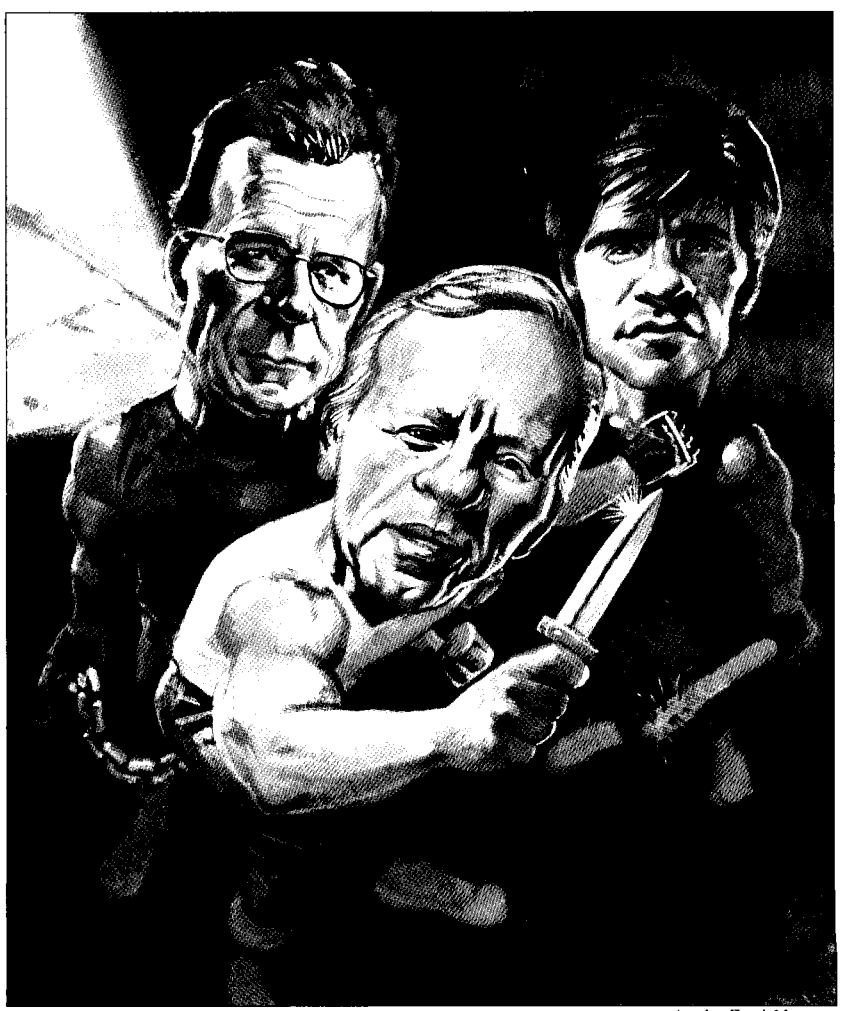
the views of the columnists, newspaper editorialists, and other elite opinion makers among whom he had lived so long," Toobin writes. "Gore cared as much about their approval as he did about winning, and he ran his recount effort accordingly." Bush, on the other hand, cared not a whit about what the "liberal media" had to say. Indeed, he knew, as the Gigot column showed, that the conservative media would support almost any tactic that put a Republican back in the White House. And so, while Gore kept his team on a leash, Bush gave his own carte blanche to do whatever it took to win.

The lessons of the recount might not matter much if Gore's hesitancy were a self-destructive trait peculiar to him. But it's not. It's a tendency widely shared among Democrats today. The Bush team can attack Senate Majority Leader Tom Daschle (D-S.D.), lose $4 trillion of the surplus, and meet with campaign contributors whose company stock they own, and Democrats just watch. Sure, it's tough to fight a president wrapped in the glory of a so-far-successful war. But the Democrats' passivity long predates September 11. And then there's Enron. Is there any doubt that if the situation were reversed, Republicans would be exploiting the scandal more aggressively? Would they have hesitated, as Democrats have, to frame Enron as a political scandal, or to bombard the White House with subpoenas? Democrats can't afford to go all wobbly, especially now. Elections which could determine control of Congress are seven months away. Yet when it comes to playing political hardball, Republicans are hitting to all fields. Democrats are trembling at the plate.

Ruthless People

The Democrats have not always been so sensitive. John F. Kennedy exploited a non-existent "missile gap" to defeat Richard Nixon in 1960. Lyndon Johnson vaporized Barry Goldwater's presidential bid in 1964 with the help of an infamous TV commercial featuring a little girl and a nuclear mushroom cloud. Of course, these acts of ruthlessness paled in comparison to what Nixon would do to win—sabotaging the Vietnam peace talks to beat Hubert Humphrey in 1968, for instance. But back then no one thought Democrats were pushovers. Indeed, Nixon railed during Watergate at the injustice of being prosecuted for acts that he felt his predecessors had gotten away with.

Watergate spurred a new generation of Democratic lawmakers to craft various safeguards against abuses of power, from ethics and campaign finance laws to the independent counsel statute. These measures did clean up many of Washington's grossest abuses. But they also provided handy instruments for political vendettas which the Republicans seized first. (Remember the fruitless independent counsel investigation of Carter chief of staff Hamilton Jordan's alleged cocaine use?) But Democrats quickly followed, siccing independent counsels on a host of Reagan appointees, including Labor Secretary Ray Donovan, who, upon being cleared, famously asked, "Which office do I go to to get my reputation back?"



Art by Fred Harper

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Throughout the 1980s, the old Nixonian sense of persecution grew among conservatives. Though they controlled the White House, took over the Senate, were making inroads in the judiciary, and held sway over the military and corporate America, conservatives nevertheless felt they were at sword's point with liberal forces far bigger and more venal than themselves—in the media, Hollywood, academia, and Congress. Newt Gingrich, then a congressional backbencher, gave voice to these feelings in late-hour harangues against "corrupt" House Democratic leaders, broadcast live over C-SPAN. House Democrats occasionally lived up to the stereotypes. In 1985, after a race for Indiana's eighth congressional district ended in a virtual tie, House Speaker Tip O'Neill engineered a party-line vote that handed the seat to Democrat Richard McIntyre. That brazen act helped convince Republicans that Gingrich was right: Democrats really would "stop at nothing" to win. Further confirmation came from liberal interest groups, which unearthed and publicized embarrassing private details about Supreme Court nominees such as Robert Bork and Clarence Thomas.

By the time the Clinton administration came along, GOP conservatives were in full jihad mode. They seized on the same mechanisms of scandal Democrats had used—ethics laws, congressional subpoenas, independent counsels, networks of legal activists, partisan think tanks, and an eager mainstream press corps. But they brought far more money and ferocity to the task, as well as an openly partisan conservative media. Like Nixon, the anti-Clinton right acted with more thoroughgoing viciousness than Democrats ever mustered.

And like Nixon, they justified their own ruthlessness by presuming that the opposition was boundlessly corrupt—a presumption their own inquisitions disproved. Seven Clinton-era independent counsel investigations yielded only one conviction of an administration official (the Secretary of Agriculture's chief of staff) for conduct while in office, and only two (Webster Hubbell and Henry Cisneros) for acts committed prior to joining the administration. By contrast, 11 Reagan administration officials were convicted of crimes committed while in office, plus two others for conduct before or after their government service. Still, the conservatives' gut sense of Clinton wasn't altogether wrong. Bill Clinton might not

Who's Who

By Susan Threadgill

In January, **Martin Peretz**, owner of *The New Republic*, sold a majority stake in the venerable weekly to financiers **Michael Steinhardt** and **Roger Hertog**. Hertog, vice chairman of Alliance Capital Management, is currently in hot water for Alliance's handling of Florida's state pension fund, which lost $335 million during Enron's collapse, prompting racketeering subpoenas from Florida Attorney General **Bob Butterworth**. But Hertog's position as chairman of the conservative Manhattan Institute may prove more troublesome to the Democratic-leaning magazine. Hertog is a member of the staunchly conservative Club for Growth, a group of self-described "supply side Reaganites" run by *TNR* nemesis **Stephen Moore**. Though both new co-owners profess no desire to change the magazine's political coverage, at least Hertog seems to want to change the political landscape. Club for Growth recently launched a $500,000 television campaign to unseat Senate Majority Leader **Tom Daschle** (D-S.D.)—a sum large enough, in such a tiny media market, to "buy one of the smaller TV stations," says a Senate aide. The Hertog-Moore-*TNR* troika creates other interesting tensions, too. Moore's economic theories are routinely eviscerated by senior editor **Jonathan Chait**, who, like the rest of the staff, now works for Hertog.

Accused spy **Wen Ho Lee** may have gotten an apology from the FBI and big bucks from his new book, but that hasn't saved him from **Larry Klayman**, chairman of Judicial Watch, who represents **Notra Trulock**, the Department of Energy whistleblower who raised questions about security at the Los Alamos National Laboratory and is now suing Lee. After deposing Lee and his wife, Klayman posted the transcripts on his website. He's even managed to depose former Energy Secretary **Bill Richardson**.

In addition, Klayman has filed four lawsuits against the **Bush** administration, seeking information on contacts between the Bushies and Enron officials. He has also filed a brief supporting the General Accounting Office's suit against **Dick Cheney**, issued press releases demanding **Ari Fleischer**'s resignation for refusing to answer questions about Enron, and raised questions over allegations that **Karl Rove** urged Enron to hire former Christian Coalition head **Ralph Reed** as a consultant. And we thought that when **Bill Clinton** left office ...

Interior Secretary **Gale Norton** is complaining that the slow pace at which Congress is confirming her appointees is hindering her ability to

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"do anything" to win, but he was willing to fight harder and brush up closer to the edge of legality than any prominent Democrat in years. His almost maniacal fundraising in 1996, for instance, infuriated the right, scandalized the press, and sickened the more sensitive members of his own party. But the president was unapologetic. He understood that his party's noble principles weren't of much use without the power of office to implement them.

In the end, the jihad went badly for the GOP. By the time impeachment proceedings were over, Clinton was still president, his job-approval numbers still high. The GOP actually lost House seats in the 1998 elections—the first time a president's party gained seats in the House in the sixth year of a presidency since 1822. And Newt Gingrich was back teaching college.

The two parties drew quite different lessons from the Clinton years. Democrats concluded that the Republicans' scorched-earth, win-at-all-costs strategy was not only reprehensible, but deeply unpopular with voters and determined not to stoop to that level. Republicans decided that next time, they'd be smarter about it.

The Silence of the Dems

A few days after Thanksgiving, President Bush decided to change the tone in Washington—by directing his staff to publicly attack Senate Majority Leader Tom Daschle. It was a curious order. Relations between Bush and Daschle had been cordial. Like virtually all Democrats, Daschle had rallied around the president after September 11, and was himself a target of terrorism, having received an anthrax-laden letter. But in recent weeks Daschle had also succeeded in blocking White-House-supported airport security and economic stimulus bills (the latter would have, among other things, given a quarter billion dollar tax cut to Enron, which paid no federal income taxes in four of the last five years).

So Bush decided to go personal, and soon everyone from Ari Fleischer to *The Washington Times* editorial page was parroting the same line: that Tom Daschle was an "obstructionist." Rush Limbaugh stepped up his own petty rhetoric, calling the senate leader "Puff Daschle" and "El Diablo." Newspaper and broadcast ads trashing Daschle appeared in his home state of South Dakota. One, by the Family Research Council, blasted Daschle's

run the agency. Given who has already been appointed, that might not be a bad thing. Norton created a special "associate deputy secretary" post, third in command, specifically for **James E. Cason**, to spare him the indignities of a Senate confirmation. That's because **George H.W. Bush** had to withdraw Cason's nomination as assistant secretary of agriculture for natural resources, due to the reputation he earned as an anti-environmentalist during **Ronald Reagan**'s administration. Under former Interior Secretary **James Watt**, Cason gave millions of taxpayer dollars to the mining industry in a sweetheart land deal; authorized a rule making national parks and wildlife areas vulnerable to strip mining; and claimed that the spotted owl would go on the endangered species list "over my dead body." Joining Cason are a number of folks from the "Wise Use Movement," a group of industry types and private landowners pushing for laws that would require the government to reimburse landowners for the impact of environmental regulation. **Bennett Raley**, assistant secretary of water and science, served with Norton on the board of the Mountain States Legal Foundation, an anti-environmental nonprofit and the litigation arm of the Wise Use Movement. Raley lobbied against the 1994 Clean Water Act reauthorization, opposed the Endangered Species Act on behalf of a business coalition, and is now in charge of ensuring the management and conservation of the nation's water supply. **William Meyers III**, solicitor of the department, previously served as the executive director of the Public Lands Council, an arm of the National Cattlemen's Beef Association, which supports the right of cattle ranchers to freeload off the federal government by grazing on public lands without paying market rates for it. **Patricia "Lynn" Scarlett**, assistant secretary for policy, management, and budget, is a regulatory manager who doesn't believe in even modest regulation. Scarlett is on record as opposing the most innocuous initiatives, including curbside recycling and the government requirement for putting nutritional labels on food. Let's not forget **J. Steven Griles**, second in command under Norton and another Watt protege. During the Reagan administration, Griles supported drilling for oil off the California coast, opening up the Arctic National Wildlife Refuge for oil exploration, and cutting the cost to coal companies for operating on federal land.

Just how routine was Enron's practice of giving money to politicians? So much so that former CEO **Jeff Skilling** donated $208 to Enron's political action committee every two weeks, a sign, say campaign finance experts, that the money was automatically deducted from his paycheck—on top of the thousands of dollars he donated to **George W. Bush**, **Tom DeLay** (R-Texas), **Rick Lazio** (R-N.Y.), and others. Same for **Sanford Weill**, CEO of Citigroup, an Enron creditor, who, according to the Center for Responsive Politics, makes biweekly contributions of $208 to Citigroup's PAC.

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opposition to drilling in the Arctic National Wildlife Refuge as a threat to energy security. It featured a picture of Daschle next to Saddam Hussein.

It was a classic Republican smear campaign. And it was met, on the Democratic side, with silence. On the Dec. 9 broadcast of "Meet the Press," Tim Russert confronted Vice President Dick Cheney about the Saddam ad: "That's a little over the line, isn't it?" Cheney not only refused to condemn the ad but repeated the charge that Daschle was an "obstructionist." For more than two months after the Russert broadcast, not one leading Democrat publicly defended Daschle.

GOP politicians know that they will be rewarded for doing what it takes to win—a faith that Democratic pols lack.

Finally, Sen. Joe Lieberman (D-Conn.) struck back, decrying the administration's "gutter attacks." But the moment had passed. Imagine what might have happened, however, if a group of prominent senators like Lieberman had immediately responded to the attacks. The sound-bite writes itself: "Tom Daschle is a military veteran, a strong supporter of our war on terrorism, and a target of terrorists himself. Yet Vice President Cheney goes on national TV and suggests it's OK to compare Tom Daschle to Saddam Hussein. Well, it's not OK. It's wrong. The vice president should apologize to Tom Daschle and to the American people." Such a response might have dominated the news cycle for days, knocked a point or two off Bush's approval ratings, and sent the White House a message not to try a stunt like that again.

Alas, the Democrats' passivity in the face of White House aggression is part of a pattern. Soon after becoming president, Bush, ignoring establishment Washington's hoary advice about the importance of bipartisanship, offered up a slew of right-wing nominees: John Ashcroft for attorney general, Gail Norton for Interior secretary, Ted Olson for solicitor general. These nominees were far more controversial than many Clinton appointments Republicans had killed. But Senate Democrats barely fought their confirmation. Bush went on to push for the largest income-tax cut in a generation, tilted heavily towards the wealthy. These tax cuts had little public support. But Senate Democrats were unable to muster enough votes even for a filibuster. They had to settle for a marginal compromise with moderate Republicans.

Then, in the spring, news spread that political advisor Karl Rove had been holding policy meetings with executives of corporations, such as Intel, whose stock he owned. Washington hadn't seen a clearer example of conflict of interest in years. Yet virtually the only Democratic lawmaker to raise hell about it was Rep. Henry Waxman (D-Calif.), and as a minority member of the House Government Affairs Committee, the most he could do was send a letter to the General Accounting Office (GAO) requesting information. The GAO complied, and Rove had a few weeks of bad press. But Senate Democrats, who chair committees and have the power to hold hearings and issue subpoenas, sat on the sidelines. Had the Senate gotten involved, "they could have taken Rove out of commission for six months," notes an angry veteran of the Clinton White House and the Hill. "Rove is a huge talent. It would have been like taking a bishop off the board. Believe me, Rove will not fucking return the favor."

Waxman, along with Rep. John Dingell (D-Mich.), also had the gumption to ask the GAO last spring to investigate whether Bush campaign contributors, including Enron, influenced the findings of the Cheney energy task force. The White House's point-blank refusal to provide the GAO with details about Cheney's meetings with Enron is the surest sign yet that a full-blown political scandal lurks in the Enron mess. But had it been up to Senate Democrats, Cheney would not have been asked for the records.

On June 7, the president signed a $1.35 trillion 10-year tax cut into law, claiming the tax cut as both necessary and affordable because of the $5.6 trillion projected federal surplus. On Aug. 22, the White House Office of Management reported that, oops, the projected surplus had shrunk 40 percent, to $3.1 trillion. By Jan. 6, it was down to $1.79 trillion. "How could they lose $4 trillion in eight months!?" complains a former top Clinton aide. "I'll tell you. Because the White House knew in the spring the economy was in recession. They knew the numbers were going to have to be revised down. They misled Congress and the American people to get their tax cut. Our side should have torn them apart. They should have subpoenaed the Office of Budget Management, hauled Mitch Daniels in front of a committee. He was either grossly incompetent or purposely misleading."

Of course, the Democrats did no such thing. Instead, only one senator, Kent Conrad (D-N.D.), bothered to hold hearings on the matter. In January, Tom Daschle, Sen. Ted Kennedy (D-Mass.), and Rep. Richard Gephardt (D-Mo.) finally criticized Bush's fiscal stewardship. But the

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White House and the press made mincemeat out of those speeches as each leader seemed to say something different about whether the Democrats favored rescinding the tax cuts (no, yes, maybe).

Hardcore Relationships

What is it with the Democrats? Why do they seem to have so little fight in them? I asked a couple dozen academics, Hill staffers, political consultants, pollsters and assorted operatives from both sides of the aisle. Here are some of their answers:

One reason is philosophical. Democrats believe in government, so they have a natural tendency to cooperate and compromise. Republicans, especially movement conservatives, are deeply suspicious of government, and see implacable opposition as their role in life.

Another reason is structural. Without the White House, Democrats lack a focal point of power, a place where policies and rhetoric can be crafted and disseminated to the rank and file, and where attacks by the opposition can be analyzed and responded to quickly, with guaranteed press attention. Now these responsibilities are split up among different, competing power centers—the Democratic National Committee, Daschle's office, Senate committee chairmen.

It doesn't help matters that many of the most prominent Democrats—Lieberman, Daschle, Gephardt, Edwards—are considering runs for the White House in 2004. It takes courage to publicly attack a president who has 85 percent approval ratings. But it's especially tricky if you're trying to maintain the sunny bipartisan image needed to attract swing voters.

Yet another reason is ideological. Bill Clinton succeeded as president by taking on the liberal wing of his party—on welfare reform, trade, crime, and deficit reduction. Today, most high-profile Democrats present themselves as centrists. But while centrist ideas attract the nonpartisan swing voters who decide elections, they don't necessarily fire up the party's labor/black/environmentalist base. The Democratic Party today is more competitive politically, but less energized internally.

The Republican Party, on the other hand, is a wholly owned subsidiary of its conservative/Christian/corporate base. Though Bush has carved out some moderate positions, on education for instance, he is personally rooted in, and obsessed with pleasing, his party's right wing. Over time, this may be his undoing. But for the moment, it infuses the GOP with true-believerness and emboldens the administration to think big and act with daring.

The differences in partisan fury seem to reach all the way to the grass roots. In 1999, the Pew Center for The People & The Press surveyed the political views of 5,000 Americans nationwide and found a curious difference between the ideological wings of the two parties. Forty-one percent of liberal Democrats identified themselves as political independents. Only 24 percent of staunch conservatives did likewise. Seventy-eight percent of staunch conservatives said they cared "a good deal" about which party controls Congress. Only 64 percent of liberal Democrats matched them. It seems hardcore conservative voters are more conventionally partisan than their liberal counterparts. At some level, GOP politicians probably know that they will be rewarded by their core constituents for doing what it takes to win—a faith that Democratic pols lack.

The difference in partisan intensity also reflects the different media outlets to which the parties play. Democrats in Washington focus incessantly on the establishment press: *The New York Times*, *The Washington Post*, *Newsweek*, CBS, CNN, NPR. That is where their worldview is shaped, and where they look for validation of their ideas and status. Republican leaders are hardly indifferent to the establishment outlets. But they increasingly take their cue from the expanding alternative universe of conservative media: *The Washington Times*, *The Wall Street Journal* editorial page, talk radio, Fox News Channel.

Needless to say, these two media worlds are governed by radically different rules. Yes, there is a certain amount of liberal bias in the mainstream press. But on balance, the

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big national papers and broadcast networks take seriously the traditional journalistic strictures of fairness, accuracy, and independence of judgement.

The conservative press, by and large, does not labor under these constraints. It does not pretend to be in the business of presenting all sides fairly, but of promoting its side successfully. "The conservative press is self-consciously conservative and self-consciously part of the team," observes conservative strategist Grover Norquist of Americans for Tax Reform (who, like most conservatives I spoke with, doesn't buy the idea that Republicans fight more ruthlessly than Democrats). "The liberal press is much larger, but at the same time it sees itself as the establishment press. So it's conflicted. Sometimes it thinks it needs to be critical of both sides, to be nonpartisan."

You see this all the time. The editorial pages of *The Wall Street Journal* and *The Washington Times* supported or kept silent about the Republican Senate's strategy of blocking votes on Clinton judicial nominees. Now these papers cry foul when Democrat senators try to do the same to Bush. *The New York Times* and *Washington Post* editorials, on the other hand, have been consistent in their condemnation. But to the conservative press, intellectual consistency is for, well, intellectuals. What's more important is to stiffen the resolve of GOP lawmakers to fight the Manichaean battle against liberalism. If the mainstream papers want to undermine the will of Democrats with a lot of high-minded consistency, that's their business. Let 'em get medals for fair play. We'll get the federal judiciary.

The same dynamic plays out among TV pundits. Conservatives such as Robert Novak, Kate O'Beirne, and Jonah Goldberg are ideological warriors who attempt with every utterance to advance their cause. Their center-left counterparts, people such as Juan Williams, Margaret Carlson, and E.J. Dionne, simply don't have the same killer instinct. While their sympathies are obvious, liberal pundits are at heart political reporters, not polemicists, who seem far more at ease on journalistic neutral ground, analyzing the strengths and weaknesses of both sides, rather than in vigorously defending Democrats. That role falls to Democratic operatives like Paul Begala, but even here there are exceptions. Former Clinton adviser George Stephanopoulos is supposed to be the liberal counterweight to George Will on ABC's "This Week." He performs the role well when he chooses to, often puncturing Will's sophisms with the sharp edge of a well-chosen fact. Just as often, however, Stephanopoulos's palpable desire to be accepted as a journalist leads him to value-neutral how-the-game-is-played analysis, or to gestures of unreciprocated fair-mindedness ("You know, I have to agree with George Will on this one").

Playing Hardball

There is a certain logic to the Democrats' nonconfrontational strategy: Until September 11, the strategy appeared to be working. The Bush administration's ideological hardball drove Sen. James Jeffords (I-Vt.) to leave the party, handing the Democrats control of the Senate. The president's poll numbers dropped with each Clinton administration measure he overturned, from arsenic standards for drinking water to workplace ergonomic rules.

But September 11 really did change everything. The wind is with Bush now, and congressional elections are seven months away. It's true that on domestic issues, the Democrats have the more sound and popular positions. But it's going to take more than sweet reason to make that case to the American voter.

The good news is that to beat the Republicans, the Democrats don't have to fight like them. They simply need to remember how to fight like Democrats. The first step is to stop worrying about how their words and actions will play in the establishment media. Bad press is frequently the sign that you're doing something right. If they're serious about beating back Bush, Democrats need to start pulling on all the levers of power available to them, and to stop shrinking away from sounding partisan when the cause is just. Standing up for your Senate leader when he has been attacked is a form of partisanship that the average American can admire. Voters can grasp the moral difference between investigating a politician's private life and investigating how an administration managed to lose $4 trillion of surplus. American voters understand that Enron is no Whitewater.

Of course, it may simply be too much to expect the fractured Democratic congressional delegations to do this sort of thing on their own. So perhaps they should bring in a ringer, just for the next seven months. Someone who can help coordinate a smart set of policies and a winning message. Someone whose words Democratic-leaning voters will listen to and be excited about. Someone who can go on the talk shows and, in the midst of a bipartisan embrace, deliver the partisan stiletto. Someone who understands that the principles of the Democratic party—freedom, tolerance, a fair shake for the average person—are not worth much if you aren't in a position to put those principles into action. Someone who's not running for president and isn't afraid to mix it up with the Republicans. Someone who will drive the Republicans crazy. Someone like Bill Clinton. ●

Research assistance for this article provided by Tyler Cabot, Justin Peters, and Andrea Smith.

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Protection Racket

How bankruptcy went from saving the average Joe to shielding the CEO.

BY DAVID CAY JOHNSTON

IMAGINE THE GOOD FORTUNE TO BE AN author whose history of bankruptcy in America is published just as Enron collapses, the credit card industry clamors to get tough on the customers it addicted to plastic money at 26 percent interest, and while the garbage that passed for accounting at Waste Management still fouls the air.

America could use a competent history of bankruptcy law right now because the excesses of the past two decades are about to bring us a new round of debtors seeking refuge from their creditors, some desperate and some manipulative. One bill favored by credit card banks would let them hound some debtors for life, adding late fees every month and denying the fresh start that bankruptcy has traditionally brought. This bill would make it much harder for the average uninsured Joe to get out from under crushing medical bills, while still leaving open the gaping loopholes in the law that helped facilitate some of the current disasters and serving as an easy out for large corporations whose filings, the result of gross mismanagement, protect fat executive salaries.

If ever there was a moment ripe for a serious examination of bankruptcy in America, this is it. The last history was published in 1935, making a solid history of how we got here most welcome just now. Author David A. Skeel Jr., a University of Pennsylvania law professor, promises readers the untold story of how bankruptcy evolved as a uniquely American way of dealing with debtors who cannot pay their bills, a story that he writes was shaped by political forces and an elite section of the bar.

DEBT'S DOMINION
by David A. Skeel, Jr.
Princeton University Press, $35.00

At the founding of the Republic, Alexander Hamilton and the Federalists pressed for a new idea of bankruptcy as renewal, not a time for debtor's prison. Hamiltonians wanted to encourage credit to spur economic expansion, while the Jeffersonian Republicans wanted to protect farmers from foreclosure by bankers. This debate over how to deal with the insolvent and balance the interests of creditor and debtor, Skeel writes, has been waged for more than two centuries. A host of schemes have been tried, modified, and abandoned by Congress.

Now, as we learn to live in a global economy, the American idea of bankruptcy as renewal rather than ruin is gaining currency in other developed countries, but the down side of that system is becoming all too apparent in the United States. A critical examination of the confluence of forces—asset inflation, accounting rules, and changing partnership laws—is desperately needed. Unfortunately, Skeel's book isn't it.

Limiting Liability

When the dot-com bubble burst, we came to what may be the end of two decades of asset inflation

DAVID CAY JOHNSTON, *a reporter for* THE NEW YORK TIMES, *won the Pulitzer Prize last April for his coverage of inequities and loopholes in the tax system.*

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encouraged by government policy and financial engineering. Asset values are falling and bankruptcy filings are rising to record levels. Enron, Global Crossing, Kmart, Sunbeam, and more dot-coms than this article has periods have had to seek refuge from creditors in federal bankruptcy court.

Avoiding bankruptcy, because they had enough cash in hand to hold creditors at bay, were Cendant, Lucent, Mercury Finance, and a host of other companies that reported fattening bottom lines quarter after sizzling quarter until all that profit suddenly evaporated. The corporate books had been finely cooked until investors were served up a most unsavory net wealth reduction.

The executives who mismanaged their companies gorged themselves on greenback soup while serving up the mock kind to anyone not lucky enough, or informed from the inside, to sell their shares before the final course. And through all of this, the Big Five auditing firms put on the garnish of their opinion letters, helping lure more share buyers at ever-higher prices until the collapse.

The willingness of the Big Five accounting firms to sell their reputations was driven not by the lowest-bid work of auditing the books, which is supposed to give shareholders a reasonably reliable picture of a company's financial condition. What compromised their integrity was the big money they could get from these same companies selling "products" that make profits vanish from corporate income tax returns, as well as consulting. This is where the Big Five made their real profits.

And then there was an obliging Congress, which, along with the 50 state legislatures, gutted partnership laws in ways that made corner cutting and outright fraud more palatable in the halls of accountancy and law. Until a decade or so ago, each partner was liable for the acts of every other partner, which served as a powerful self-policing mechanism within the corporate professions. Then came the savings and loan scandals of the 1980s, a rich treasure of bankruptcy lore, in which not a few accountant partners let their greed get the better of their professionalism. Soon partners in these global firms, who may never have set foot in an S & L, found themselves taking out second mortgages to pay the damages awarded against the entire partnership.

The damages inflicted on all partners by the corrupt few should have prompted a new vigilance to ensure integrity. Instead, the accountants lobbied and donated their way into "reform" of the partnership laws. Now we have "limited liability" partnerships and corporations, which means that your partner down the hall can cheat left and right and your fortune remains safe so long as you do not inquire into his conduct and thereby make yourself a knowing, and thus liable, party to the chicanery. Thus, at least in the immediate term, market forces fail to correct misconduct.

Executive Privilege

A decade ago, the S & L crisis, together with the damage wreaked by Michael Milken's schemes and other imprudent investments, caused a hiccup in the phenomenal growth since about 1982 of the gross national product—remember the Recession of '91?

During that hiccup we were treated to two important developments affecting bankruptcy. One dealt with the benefits of regulation for a company eager to stiff its creditors. The other dealt with retirement pay in a precursor of everything that happened to Enron workers and their 401(k) plans, only worse.

In one well known example of the first scenario, we saw Donald Trump and Merv Griffin borrow millions in the corporate bond market, even though their own loan applications, in the form of prospectuses, made it clear that the money would not be paid back. One set of Trump bonds, underwritten by Merrill Lynch, defaulted almost before the ink dried.

Neither The Donald nor the Merv was at risk of having unpaid creditors seize their temples of chance, however, just because they skipped their mortgage payments. That's because they held gambling licenses and the bondholders did not. Both the New Jersey Attorney General's Division of Gaming Enforcement and the Casino Control Commission demonstrated the benefits of regulation to the regulated when they found a way around a most simple rule. That rule said that an Atlantic City casino must be solvent to stay in business. The rule defined solvency as the ability to pay bills as they come due. It might seem that Trump and Griffin failed that test when they missed their interest payments, but the creative regulators took the view that once a bankruptcy deal was in the works the interest payments were no longer due and, thus, the casino companies were solvent.

Welcome to strategic bankruptcy, forever to be a part of our future, unless Congress intervenes. It is what Kmart did when it filed Chapter 11, not because it was out of cash, but because it wanted out of leases and the landlords wanted their promised monthly rent. Corporate bankruptcy can be contract renegotiation by other means.

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The second egregious bankruptcy practice emerged when management ran into the ground such once great companies as Morrison-Knudsen, builders of Hoover Dam, and Carter Hawley Hale, operator of department stores from Santa Monica to Sacramento. These companies all had as their retirement plans a pool of their own stock, just as Enron had. Companies deduct the value of stock or cash they put in these accounts, where the money is safe from the company's creditors, but not from the risk that the investments will lose value.

But highly paid workers get an extra dollop of stock put into their "executive deferred compensation plan" that is not subject to any limits. These plans also do not generate an immediate tax deduction for the company. By law the money that executives defer can be seized by creditors if the company goes bankrupt, which would seem to create a powerful incentive for the executives to run the company prudently. It does not.

At Morrison-Knudsen, Carter Hawley Hale, and eight other companies, the workers whose funds were safe from creditors were wiped out when their company's stock sank to zero. The executives, however, pocketed 100 cents on the dollar. How?

The executives got paid in full because when the creditors came in to take over the bankrupt companies and rehabilitate them in the Hamiltonian fashion, they needed these executives to hang around and help until they had full control of the enterprise. And what did the executives demand as the price to stay? That their deferral accounts pay off. Bill Agee demanded that Morrison-Knudsen pay him to the penny. He walked away with $367,062.30. Department store mogul Phil Hawley pocketed several million dollars.

These bankruptcy developments were both front-page news. The Trump and Griffin cases were covered in detail, under my byline, in *The Philadelphia Inquirer*, author David A. Skeel Jr.'s hometown newspaper, and in other major news outlets. And the executives like Agee and Hawley who kept dry while their companies sank were the subject of the first two parts of "Rushing Away From Taxes," a 1996 series in *The New York Times* that was the paper's biggest investigative effort since the Pentagon Papers.

Despite their relevance to bankruptcy history, readers will not find a word about these matters in *Debt's Dominion*. If that were all that was missing, it would be of little significance. But there is more, much more, that Skeel left out. Skeel's readers will learn nothing about partnership law "reform" or savings and loan chicanery and its role in bankruptcy law. Indeed, they will not even learn about the very first federal bankruptcy law, enacted in 1800, simply because Skeel finds it inconvenient to address what that first law did. He writes lamely that "for simplicity, and because involuntary-only disappeared as a viable option by the middle of the nineteenth century, however, I will banish it from discussion."

The issue of whether a debtor could declare himself bankrupt or only his creditors could was, by Skeel's own account, a major issue in the history of pre-Civil War bankruptcy, which makes this omission nothing short of astonishing. But then it may be that Skeel simply did not want to do the work to understand the 1800 law.

The evidence for this lies in the sloppy way that Skeel identifies and writes about key historic figures in bankruptcy law and in his lack of logical organization. Asking for narrative may be a bit much, but how about simple chronology, the most basic format for history? Instead of marching straight forward from 1800 and describing our nation's experiments with bankruptcy, Professor Skeel flits back and forth across decades, often incoherently, giving some dates, hinting at others and sometimes forgetting to say in just what era he is wandering.

Again and again, Skeel tells the reader what he is going to argue or what he has just argued, an annoying device that fills at least 1 percent of his book. He mentions bimetallism, but wastes no words explaining the reasons that a monetary system based on silver and gold could have resulted in inflation that benefited debtors and hurt creditors in the late 19th century, a major issue at the time of William Jennings Bryan's "Cross of Gold" speech.

Skeel cites neither the Currency Act of 1792, which made bimetallism government policy for the next 141 years, nor the discovery of the Comstock Lode, whose rich veins flooded the late 19th century world with so much silver that it altered the relative prices of the two precious metals. Without context, what he writes on bimetallism is worthless. Unfortunately, the totality of what the reader gets from *Debt's Dominion* is almost unimaginable: a history that is ahistorical.

That an undergraduate would hand in such a sloppily written, disorganized, and half-baked mess is reality. That a professor of law at the University of Pennsylvania would do so, and that Princeton University Press would publish it along with the author's encomium to his editor, is sad evidence of another kind of bankruptcy at both academic institutions. ●

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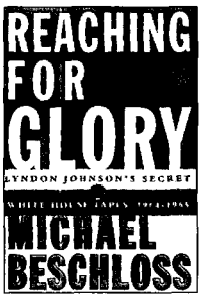
Listening to Lyndon

The private agony of a president with no way out.

BY DAVID J. GARROW

FOUR YEARS AGO, MICHAEL BESCHLOSS published his first volume of President Lyndon B. Johnson's secretly-recorded telephone conversations that covered the period from November 1963 through August 1964. This second volume of edited transcripts advances the project through July 1965. Though phenomenally rich and valuable as historical documents, only dedicated political junkies will wish to plow through all of these dense—though often fascinating—conversations. Scholars of America's involvement in Vietnam will draw the greatest benefit from *Reaching for Glory*, though many other subjects, from the Dominican Republic to Johnson's own tormented psyche, are substantially illuminated.



REACHING FOR GLORY: Lyndon Johnson's Secret White House Tapes, 1964-65
by Michael Beschloss
Simon & Schuster, $30.00

None is so deeply fascinating as Johnson's intensely contradictory feelings about surreptitious wiretaps. Beschloss notes that the White House recordings rarely, if ever, reveal Johnson preening for the tape recorder or even speaking in a way that suggests he was conscious of it. But so thorough and purposeful was his taping that the recordings manage to capture both Johnson's fervent denunciations of wiretaps and his explicit pleasure in their results, particularly the FBI's electronic surveillance of Martin Luther King, Jr.

In late March 1965, Johnson instructed Attorney General Nicholas deB. Katzenbach that the number of wiretaps be "brought to an irreducible minimum. And only in the gravest cases. I want you to authorize them, and then, by God, I want to know about them. I'm against wiretapping, period." But Johnson's conviction had one remarkable exception: "I assume that in one of our friends' cases"—he was speaking of King—"from what I have seen, that must be where the evidence comes from. I mean, on [his] Hawaii jaunts ... California, and with some of the women ... You know who I'm talking about?" "Yes," Katzenbach replied. Johnson added, "Nobody's ever told me that's where it comes from. And I don't want to know."

The contradiction was dramatic. "I'm a red-hot one-million-two percent civil liberties man, and I'm just against them," Johnson told Katzenbach a moment later. "I don't want any wiretapping around." Katzenbach noted that his predecessor, Robert F. Kennedy, had authorized King's wiretap, and Johnson did not order it removed.

But the president who so opposed tapping loved to tape his own conversations with people who were unaware that their words were being memorialized for the ages. During 1964 and 1965, Johnson's most constant subject of conversation was Vietnam, and his two most frequent interlocutors were Secretary of

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Defense Robert McNamara and Georgia senator Richard Russell. *Reaching for Glory* ought to significantly enhance Russell's historical reputation, for the transcripts repeatedly reveal the hawkish senator's grave doubts about American military involvement in Vietnam from the outset. "I wish we could figure out some way to get out of that, Mr. President," Russell told Johnson in November 1964.

But rather than accept the impregnable political coverage that a conservative like Russell could provide for a decision to downscale American intervention in Vietnam, Johnson couldn't bring himself to consider abandoning America's military commitment. "I don't believe I can walk out," he told the political columnist Drew Pearson in March 1965. "If I did, they'd take Thailand ... They'd take Cambodia ... They'd take Burma ... They'd take Indonesia ... They'd take India ... They'd come right back and take the Philippines ... I'd be another [Neville] Chamberlain."

Yet Johnson's attitude, which was shared by McNamara, resulted in doing little more than seemed necessary to avoid outright defeat. Instead, their professed hope was that, in time, the North Vietnamese would decide to negotiate a peaceful settlement. But as early as June 1965, Johnson confessed to Senate majority leader Mike Mansfield that "we think they are winning. Now, if WE think they're winning, can you imagine what THEY think?"

While McNamara warned the president that "we've got to slow down here and try to halt, at some point, the ground troop commitment," Johnson's steadfast refusal to do so left him no exit strategy, save the unlikely possibility of negotiations with Hanoi. Johnson recognized his dilemma. "They're winning," he confessed to Indiana senator Birch Bayh. "Why would they want to talk?" And Johnson was equally pessimistic with McNamara: "I don't believe they're ever going to quit. And I don't see ... that we have any ... plan for victory—militarily or diplomatically."

Publicly, Johnson professed optimism, especially in the supposed prospect of meaningful negotiations, but privately his pessimism manifested itself in conversation after conversation. He told Russell he would like to "find a way to get out without saying so." Russell heartily agreed. Yet Johnson's fear of appearing to "tuck tail and run" ultimately outweighed his (and Russell's) better judgment. "I'm doing my best to hold this thing in balance just as

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President Johnson hands Senator Robert F. Kennedy a pen from a signing.

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long as I can," Johnson told Mansfield. "I can't run out. I'm not going to run in. I can't just sit there and let them be murdered. So I've got to put enough there to hold them and protect them."

Lady Bird Sings

The profound tension between Johnson's public utterances and his private realizations led to serious emotional problems within weeks of his triumphal November 1964 reelection. Even that landslide victory did nothing to remedy Johnson's tremendous insecurities, feelings that were well-documented in Beschloss's earlier volume, *Taking Charge*.

That book highlighted Johnson's intense fear of Robert F. Kennedy, a pattern that continues here. The "Kennedy people," Johnson complained to outgoing press secretary George Reedy in late 1964, "are more attractive ... better dinner partners ... and they are more exciting than we are socially .... Our trouble is, George, we do not have acquaintances" of such sophistication, because "San Marcos [State Teachers College, Johnson's humble undergraduate institution] didn't produce them."

The recordings capture both Johnson's fervent denunciations of wiretaps and his explicit pleasure in their results, particularly the FBI's electronic surveillance of Martin Luther King, Jr.

The most powerful and insightful passages in *Reaching for Glory*, however, come not from Lyndon Johnson's recorded conversations but from contemporaneous diary passages that his wife, Lady Bird Johnson, privately dictated during their White House years and shared with Beschloss. Her accounts are of arguably greater historical value than Johnson's recordings, because she was a thoughtful and perceptive observer of her husband and those around him. Students of the Johnson years inclined toward the belief that Lady Bird was a figure of little substantive import will discover her impressive sagaciousness in Beschloss's diary selections.

Shortly after Johnson's plaintive comments to Reedy, Mrs. Johnson mused to herself that "I sometimes wonder what Lyndon would have been like if, instead of being exposed in his youth to [his exceedingly modest home town of] Johnson City and a state teachers' college, he had been exposed to a sophisticated society of many facets and a school like Harvard"—the implication being that Johnson's self-doubts would have been far less burdensome had he enjoyed a more privileged background. Instead, what Beschloss accurately terms "Johnson's eternal dread of apocalypse just around the corner" haunts many of the

Simon & Schuster/Donald Stoderi

President Johnson with Lady Bird Johnson eating breakfast before his inauguration.

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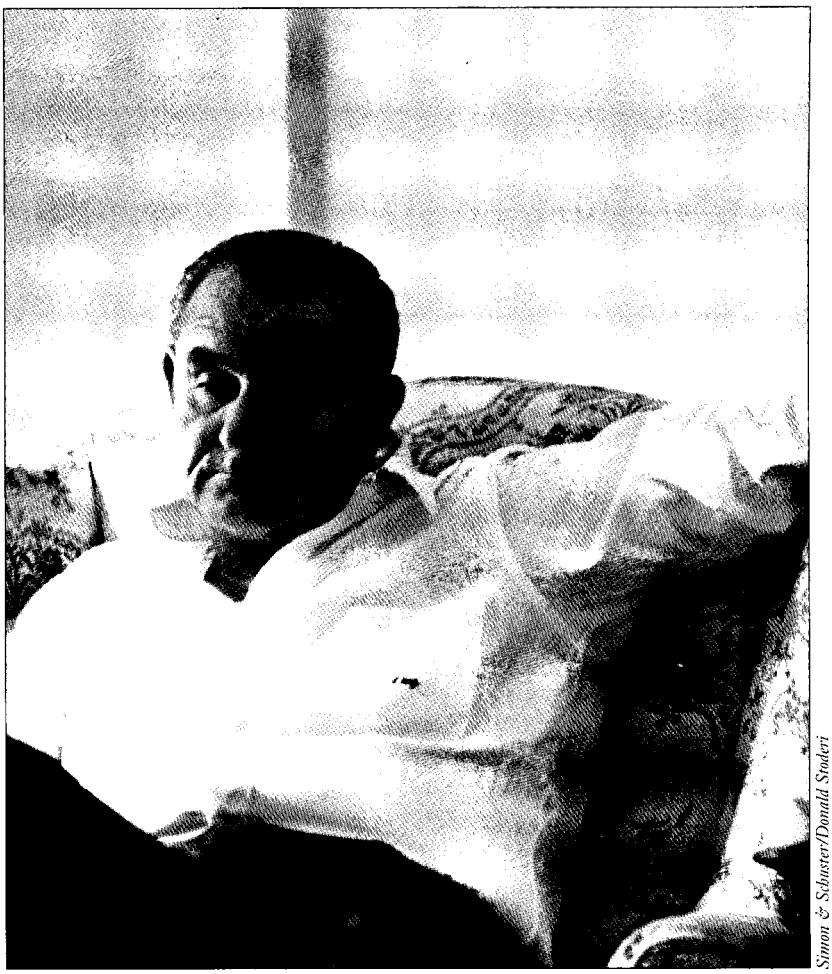
book's conversations.

Johnson's fear of a devastating scandal was stoked not only by the close call he had experienced with his former congressional staffer Bobby Baker, whose personal finances became a Washington uproar that scorched Johnson, but also by the tremendously embarrassing October 1964 arrest of his closest staff aide, Walter Jenkins, for performing oral sex on another man in the basement restroom of a YMCA near the White House. Although Johnson probably suffered little or no political fallout from the Jenkins affair, Lady Bird recognized that her husband's fears were unquenchable.

"He lives in constant concern that somebody somewhere in his periphery will be mixed up, fairly or unfairly, in some shady business," Lady Bird said in early 1965. "The fear that haunts him is a sort of [Warren] Harding complex," something Johnson himself confirmed two months later while discussing the Baker case with Katzenbach: "I don't want to be a Harding!"



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"He lives in constant concern that somebody somewhere in his periphery will be mixed up, fairly or unfairly, in some shady business," Lady Bird Johnson worried in 1965.

But it was the daily burden of the Vietnam War that exacted the greatest emotional toll on the president. In early February 1965, Lady Bird expressed surprise that Johnson had told Vice President Hubert Humphrey "something that I had heard so often, but did not really expect to come out of his mouth in front of anyone else. 'I'm not temperamentally equipped to be Commander-in-Chief,' he said ... 'I'm too sentimental to give the orders.'"

The constancy of Johnson's fears led his wife to believe that "this heavy load of tension and this fog of depression" were having "an erosive effect on his personality." She worried that his lack of sleep and his nightly preoccupation with American bombing missions was simply too draining. "He said, 'I want to be called every time somebody dies.' He can't separate himself from it."

By July 1965, Johnson had become, in the words of his second press secretary, Bill Moyers, "a tormented man." Lady Bird Johnson's fears about her husband's emotional health were so profound that she admitted in mid-1965 to buying a black silk dress, "having, in the back of my mind when I bought it, the grim, unacknowledged thought that I might need a black dress for a funeral."

Reaching for Glory demonstrates in powerful detail that the tragedy of Vietnam was also a personal tragedy for Johnson himself, practically from the outset of his second term. The war's impact made his family's White House life "pure hell," his wife told Beschloss. And she, like her husband, had accurately sensed very early on just how the story would end. "'Vietnam is getting worse every day,'" she quoted him as telling her in July of 1965. "'I have the choice to go in with great casualty lists or to get out with disgrace. It's like being in an airplane and I have to choose between crashing the plane or jumping out. I do not have a parachute.'" Unfortunately, Lyndon Johnson never jumped.

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Living La Vida Loca

Dean Martin's son shows that baby boomers learned self-indulgence at home.

By Dave Nuttycombe

Over the years, interpreters of Hollywood tea leaves have learned that the happening place to be if you were a kid in swinging '60s Tinseltown was Dean and Jeanne Martin's Beverly Hills pad, preferably poolside. Previously, this information had been gleaned from secondhand sources, winking hints, and name-checks dropped in puffy interviews with celebrity children in fluffy magazines.

Now, Martin's youngest son Ricci delivers a splash-by-splash account of just how incredible this pee-wee playhouse really was. His book, *That's Amore: A Son Remembers Dean Martin*, begins, in fact, with a walking tour through his fabled home at 601 Mountain Drive, from grand foyer to literal home theater (it included two 35mm movie projectors—the same furnace-size machines used in commercial theaters, for which a studio projectionist was required). The original house was expanded greatly to contain the large brood—four children from Dean Martin's first marriage (Craig, Gail, Claudia, and Deana) and three he had with second wife Jeanne (Dean-Paul, author Ricci, and Gina), as well as Jeanne's mother and the usual flotilla of servants, secretaries, bodyguards, and hangers-on. In fact, the rarified quality of life at the Martin home is perhaps best captured in one of the book's snapshots which depicts a gaggle of Martin kids, their pals—and, hey, there's Ursula Andress!

THAT'S AMORE:
A Son Remembers Dean Martin
by Ricci Martin,
with Christopher Smith
Taylor Trade Publishing, $24.95

Dean Martin and his Rat Pack pals continue to hold a particular fascination for both boomers and their offspring (witness the otherwise unnecessary remake of *Ocean's Eleven* and the overextended swing revival). After all, most of the sources of '50s and '60s nostalgia were part of the youth culture—James Dean, diners, etc. But the Rat Pack was associated with boomers' parents' culture. Part of the appeal was, of course, the music. But another reason was the Rat Pack style. It embodied an ethic of hedonism and permissiveness that, through their popularity, came to be understood as quintessentially American. Conservatives prefer to blame the decline of values and rise of self-indulgence on the '60s generation, but clearly, kids didn't learn these traits on their own. It was already being celebrated in the broader American culture of their parents, which adored Rat Pack cool. As the saying goes, quoted several times in *That's Amore*, "It's Frank's world, we only live in it."

Young Martin provides a car-seat view of life in the American fast lane, unintended evidence of what becomes of a child raised in that culture. Interestingly, Ricci paints a picture of his supposedly swinging dad that's straight out of "Father Knows Best." "I never saw him drunk in my life," he writes. "With all the demands of his superstar status, I hardly remember him not being home as I grew up." When he wasn't making the occasional movie or spending a few weeks in Vegas, Dean's "job" was golfing all day, home by 6 for dinner with the family, then to bed by 9 or 10 so

Dave Nuttycombe, *based in Washington, D.C., writes about books, music, and bad films.*

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that he could rise early to repeat the process. "Mom loved to throw parties," Ricci tells us, "Dad hated them."

Aficionados of celebrity biography have grown accustomed to such scorching tell-alls as Christina Crawford's standard-setting *Mommie Dearest*, about her mother Joan Crawford, and Donald Shepherd and Robert F. Slatzer's *Bing Crosby: The Hollow Man*. *That's Amore* represents the other extreme: memoir as hagiography. "Dad did not take himself seriously," Martin tells us in the introduction. "I suspect that always perplexed the people who chronicle the fortunes and misfortunes of celebrities, pushing them to find reasons why he did not seem to be the least bit self-absorbed or obsessed with polishing his image. A few concluded that, at his core, he was empty. Maybe that's the downside of not being too full of yourself." It's a nice line and a nice sentiment from a loyal son. It's also clearly a shot across the bow of an earlier Martin biography, Nick Tosches' brutal 1992 book, *Dino: Living High in the Dirty Business of Dreams*, which credulously accepted the Rat Pack's don't-give-a-damn style.

In attempting to reclaim his father's reputation, however, Ricci does no favors to his own. The sense of entitlement common to baby boomers is particularly keen among the Martin kids, and this book leaves little doubt that it was an attitude learned at home. Ricci's childhood was astoundingly privileged. At 16, he was awarded an exotic Italian sports car. Guests at his 21st birthday party included John Lennon and Ringo Starr. That Martin, now nearly 50, seems not to have changed is equally astounding. But perhaps we shouldn't blame the child. Dean Martin "was never one to preach to us kids about anything," writes Ricci. "Discipline at home, as far as [older brother] Dean-Paul and I were

Members of the famed "Rat Pack," who starred in the 1959 film OCEAN'S ELEVEN. *From left, Frank Sinatra, Dean Martin, Sammy Davis Jr., Peter Lawford and Joey Bishop.*

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concerned, basically came from older siblings."

School was no different. Enrolled, fittingly, in a curious private school, Martin admits that "the learning pace was slow and discipline was lax, so we took full advantage of the situation." What kid wouldn't? But in this case, "lax discipline" included taking teachers out for martini lunches during his senior year.

The Martin brothers exemplified permissiveness-run-amok to such an extreme that even the most conservative social critics probably hadn't envisioned.

But that's not nearly as unsettling as another favorite Martin pastime, the author's love of speed and explosions. Rather than forbid her underage kids from riding motorcycles, Mrs. Martin built them a private road. When that didn't slow them down, she asked their idol Steve McQueen to drop by and give the kids pointers.

Before they had a driver's license, Ricci and Dean-Paul had guns. Lots of guns. "The walls of our rooms were lined with gun cabinets and gun racks, filled with every manner of rifle and handgun," Martin writes.

These were not, mind you, farm kids required to learn the art of hunting as a means of gathering food or managing wildlife. No, these were young teens in the big city who liked to blow things up. Not an uncommon trait in teenagers, to be sure. But the Martin brothers went way beyond knocking over tin cans with BBs. They collected machine guns, mortars, anti-tank cannons—and even, incredibly, an armored personnel carrier. The semi-automatic weapons they acquired were modified to become fully automatic. Then the boys moved on to explosives.

"We developed a profound respect for firearms," Martin writes—a respect not much on display in the many giddy accounts of foolhardy demolition sprinkled throughout *That's Amore*. Martin suggests that this enthusiasm "may have stemmed from idolizing Dad, who played cowboy gunslingers, soldiers, and secret agents in his various films." Maybe. But in many ways the Martin brothers exemplified permissiveness-run-amok to such an extreme that even the most conservative social critics probably hadn't envisioned it. Eventually, it caught up with them. Dean-Paul ran afoul of the Bureau of Alcohol, Tobacco, and Firearms when he sold machine guns to undercover agents. Even though he got off with probation and a measly $200 fine, Mom was "steamed" that her son was "treated like a gun-running kingpin by some head-hunting federales." The family, writes Ricci, believed that the 22-year-old was "targeted in the first place, because he was Dean Martin's son." Writes Ricci, "I felt the prosecution of Dean-Paul had been ludicrous." Need more evidence of hubris? Ricci later admits to keeping season tickets to Dodgers games in the glove compartments of the Martins' cars to "ease the tension of a speeding pullover."

Ricci has not only lived in the considerable shadow of his father, but also of his older brother, an exponential combination of his parents' impossible good looks and charm. Dean-Paul was a teen idol by 12, scoring bubblegum hits with fellow celeb-kids Desi Arnaz, Jr. and Billy Hinsch in Dino, Desi, and Billy. He would marry movie star Olivia Hussey, then court Olympic sweetheart Dorothy Hamill before dying prematurely—perhaps unsurprisingly, given his childhood enthusiasms—in a jet fighter accident at age 35. It is generally agreed that Dean Martin never recovered from the shock of this 1987 tragedy. There are more pictures in the book of Dean-Paul than of the author.

A dabbler in show biz throughout his life, Ricci Martin has been unable to live up to the family name—who could? But he has finally replaced his older brother in the recently reconstituted oldies act, Ricci, Desi, and Billy. For the author, it must be an anticlimactic ending to the life described in *That's Amore*. But fans of his book can be assured that the cultural trope of the hedonistic celeb kid is certain to endure. With the recent movie *Orange County* starring the offspring of Tom Hanks and Sissy Spacek and directed by the son of writer/director Lawrence Kasdan, it's clear that we will be blessed with many more books by and about the children of wealth and fame and Hollywood and Vine. The author has perhaps ensured this: He named his own children Pepper Jazz, Montana Sage, and Rio-Dean. ●

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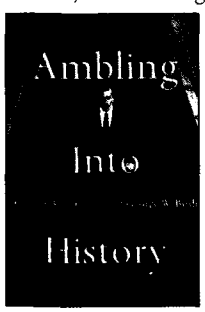
Political Booknotes

Flirting With W.

By Ryan Lizza

LIKE GEORGE W. BUSH, THE SUBject of *Ambling into History*, author and *New York Times* reporter Frank Bruni sets the bar low for himself. His campaign memoir, he writes, "is dedicated primarily to what Bush looked and acted like."



AMBLING INTO HISTORY: The Unlikely Odyssey of George W. Bush
by Frank Bruni
HarperCollins, $23.95

No reporter is better equipped to write such an account. Bruni, the most influential Bush correspondent by virtue of his employer, was so assiduously courted by the Republican nominee that his book should have been called *The Seduction of Frank Bruni*. It is a case study of Bush's vaunted charm offensive. Bush constantly flirted with Bruni. He would playfully grab the reporter by the neck or pinch his cheeks or put his fingers in Bruni's ears. During press conferences he would wink and nod Bruni's way. And when Bruni mentions that he's taking a break from the campaign trail to celebrate his dad's birthday, Bush whips out a card and signs it for him. So perhaps it shouldn't surprise that Bruni becomes smitten, dishing to readers that Bush was far more charming in off-the-record gab sessions than his guarded public persona would suggest. When Bruni suspected the campaign was angry with him, Bush defused tensions by turning to him during a political event and announcing, "I love you, man." He may not have been kidding.

Bruni's account of the 2000 campaign and the first months of the Bush presidency is no *Boys on the Bus*, Timothy Crouse's raucous send-up of the hard-partying press pack that covered the 1972 election. And it has none of the piercing detail of Richard Ben Cramer's classic tome, *What it Takes*, about the 1988 race. Most of the material will be familiar to anyone who followed the election. And the behind-the-scenes anecdotes reveal only that the boys on the bus have given way to thirtysomething yuppies who obsess about Palm Pilots and tricked-out cell phones, and long for a "luxury hotel that promised a valet service." Instead of smoking pot and hooking up, Bruni and his fellow scribes sneak cigarettes and watch "Sex and the City." They are Ivy League ironists who shop for funny underwear at K-Mart (an NBC producer) and self-mockingly collect moist towelettes for a "wet, citrusy burst of facial refreshment" (Bruni himself). This inane and sometimes tedious account of the Bush press corps' "self-conscious schtick" offers a sociological snapshot of life on today's campaign trail.

Bruni's ironic detachment does not limit itself to hosiery and Wet-Naps; he appears wholly uninterested in policy, too. If he recognized significant differences between Bush and Gore—how they would spend the surplus or respond to the terrorist attacks—he doesn't share them. Instead, he winks at the reader about how his own tendency to succumb to the pressures of pack journalism contributed to the "stunning superficiality of American politics." What remains is only the most rudimentary explanation of what Bush actually stood for: a tax cut plan for economic conservatives, a faith-based initiative for religious conservatives, and an education plan for moderates. Policies, Bruni implies, tell us nothing about Bush as a person, which is his real interest here. But of course, a candidate's policies tell us quite a bit about how he is likely to govern. Many Americans were honestly shocked when Bush, as president, steered sharply to the right on taxes, energy, environmental policy, and foreign affairs. One reason for their surprise may be that reporters like Bruni became unwitting accomplices to Bush's strategy of blurring ideological differences with Gore to force a contest of personalities.

Bruni and Bush clearly became friends during the course of the campaign and Bush's first months in the White House. In its best passages, the book reads like a tell-all written by a candid yet sympathetic friend. Bruni singes but never burns. He finds Bush "humorously bumbling" and "tenuously engaged"—"a college freshman bound for a keg party." He jabs politely at the president over his response to the anthrax attacks, finding his "demeanor yet again at odds with the gravity of the circumstances." Yet, by the end of the book, Bruni paints Bush as a "vibrant, probing leader" who "was turning into one of the most interesting presidents in decades." His thesis seems to be that by November, Bush had matured into a true president (hence the "odyssey" of the book's subtitle).

It's not the most convincing case. Bush's present popularity aside, Bruni's evidence largely consists of an observation that Bush took the general election debates more seriously than those in the primaries, and another observation that the president's journey from frat brother to world leader was cemented when, hilariously, Bush encountered a woman who yanked down her pants to reveal the words "Raise Min. Wage" on her backside. Bush managed to behave more maturely than she did.

Despite his close ties, Bruni was given no access to Bush during the two most crucial episodes of his early presidency. He confesses that during the Florida recount, with Bush sequestered at his Texas ranch, "I was in the middle of the biggest story imaginable and had almost nothing to do." And by September 11, Bruni was no longer covering the White House. In a hasty post-attack rewrite, Bruni book-ended his memoir with September 11 material and sprinkled references to the attacks throughout the text. But most of *Ambling Into History* was written before Bush's life changed forever, and readers hoping for an intimate portrait of an untested leader in the midst of crises won't find it here.

None of this is to say that Bruni was as soft on Bush and his aides as Gore partisans and certain envious scribes alleged. (My own magazine, *The New Republic*, ran a semi-regular item called the "Frank Bruni Presidential Suck-up Watch" that documented his purport-

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edly pro-Bush slant.) His assessment of how Bush aides packaged their candidate is clear-eyed and revealing. He understands how shrewdly they peddled a conventional conservative as "a different kind of Republican" and used blacks and Hispanics as campaign props. Bruni doesn't hesitate to pass on unflattering anecdotes, such as the time Bush awkwardly joked to a black reporter that he should return to the back of the plane where he belonged, or the time that Bush aide Karen Hughes told the press a flat lie. (Immediately after Bush's "Oprah" appearance, Hughes gushed to reporters about the nationwide feedback. "'Home run' is the phrase most frequently being used," she claimed. In fact, the show had only aired in Chicago.) What's most interesting is that President Bush probably won't like this book—and not just because of Bruni's fondness for what he'd consider psychobabble. Despite Bruni's feelings toward Bush, this tortuously fair assessment of him is hard to dismiss.

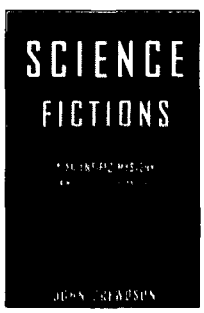
In the end, Bruni cannot decide what he thinks of Bush. Unlike many pundits and partisans who profess certainty about Bush's intelligence or capacity for the job, Bruni concedes that, even given his high level of access, much about Bush was "unknowable." He cannot tell if the flashes of wit and intelligence he witnessed in private were more revealing than the president's bumbling and ignorant moments in public. Bruni's final summary of the president underscores this ambivalent assessment: "Evasive, mundane, stuttering, sincere, sweet and, in the end, both a bit platitudinous and a bit profound—it was all there and it was all Bush."

RYAN LIZZA *covers the White House for* THE NEW REPUBLIC.

Lab Rat

By Phillip J. Longman

THE INTERNATIONAL CONtretemps over who really discovered the AIDS virus—Robert Gallo of the National Cancer Institute in Bethesda, Md. or Luc Montaignier of the Pasteur Institute in Paris—made headlines around the world for 10 years, starting in the mid 1980s. The story as it unfolded made for great reading, involving accusations of fraud in the highest citadels of scientific establishment, and a vicious cover-up reaching far up into the U.S. government. Gallo's eventual admission that the virus he claimed to have discovered had actually been supplied to him by Montaignier was widely savored as the downfall of an arrogant, abusive, globe-trotting self-promoter who was ultimately undone by his overweening ambition to secure a Nobel Prize. The story was so compelling that Hollywood even made a movie about it, with a sinister Alan Alda playing Gallo.



SCIENCE FICTIONS: A Scientific Mystery, a Massive Cover-up, and the Dark Legacy of Robert Gallo
by John Crewdson
Little, Brown & Co., $27.95

But that was a long time ago and, for that reason, the prospect of reviewing John Crewdson's densely footnoted, highly technical, 657-page account of this long-settled and complex scientific controversy aroused only self-pity. The lessons to be learned from the affair had surely long since been established in no small measure by Crewdson himself, who in 1989 published a 50,000-word exposé in the *Chicago Tribune* that blew the lid off the story and set in motion Gallo's downfall.

The first 100 pages of *Science Fictions* only deepened my sense of burden. Crewdson, a Pulitzer Prize-winning investigative reporter, is a "just the facts, ma'am" type of writer. He affords himself no speculation on the psychological factors that may have driven Gallo to sacrifice truth to ambition, and offers the reader few if any reasons up front for revisiting the scandal. Moreover, the nature of Crewdson's subject matter necessarily forces him into difficult explications of virology, and involves a cast of hundreds of scientists, bureaucrats, lawyers, and politicians around the globe. (To keep track of them all, Crewdson offers an all too necessary list of *dramatis personae* at the end of the book.)

Yet about one-third of the way through my forced march across these pages, I started to become captivated. By the end, I could hardly put the book down out of a mounting realization that this was more than a story about human vanity and political corruption. It was a compelling account of how the scientific fictions fostered by Gallo and those who believed his claims led to the deaths of innocents. The early AIDS test based on his work, for example, was prone to false negatives. The Pasteur Institute's test, which avoided this problem, was seldom used in this country largely because of the patents Gallo and the U.S. government had secured based on Gallo's false claims to have discovered the AIDS virus. Even though the American Red Cross knew about the flaws, it continued to use the Gallo test for legal as well as political reasons. As a result, scores of individuals contracted AIDS after receiving blood that had tested negative for HIV. In one instance, the mother of a Virginia gas station attendant who had been killed in a robbery offered up her son's organs and tissues for transplants. Though the man's blood was twice tested for HIV, at least seven people contracted the AIDS virus after receiving his transplanted organs. "It's like Petey died all over again," his aunt Emma said.

Science Fictions is ultimately a scientific detective story, with dramatic plot twists, inspired sleuthing, and unlikely heroes. My favorite heroine is Susanne Hadley, an incorruptible mid-level researcher at the National Institutes of Health who refused to whitewash an internal investigation of Gallo even after being ordered to do so by Bernadine Healy (then the imperious head of the NIH, who was recently deposed from her equally imperious presidency of the Red Cross). One can only admire Hadley, who, despite lacking any training in microbiology, and totally unaware of the deep-pocketed commercial interests intent on preserving the patent rights to Gallo's test, persevered in uncovering the big picture and forcing her bosses to own up to their mistakes.

Like the investigators who came before him, Crewdson is unable to establish definitively that Gallo and his team purposely substituted the virus first isolated by Montaignier for their own (there remains the possibility of inadvertent cross contamination in the lab). But there is extraordinary evidence that

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Gallo's lab engaged in deception and falsification of data to preserve the appearance of discovery. Forensic evidence performed by the Secret Service shows that lab notes, for example, were altered, if not entirely fabricated. It's a crime with many victims, and one that is well worth the effort to understand.

PHILLIP J. LONGMAN *is a Washington, D.C., writer.*

Infinite Jest

By Jamie Malanowski

ONE OF THE KEYS TO UNDERstanding *Public Intellectuals: A Study in Decline* pops up in a recent *New Yorker* profile of its author, Richard A. Posner. In the article, Posner—a judge on the U.S. Seventh Circuit Court of Appeals, lord high arbitrator in the Microsoft antitrust case, a founder of the law-and-economics movement in the 1970s, author of 31 books on subjects ranging from AIDS to the Clinton impeachment trial to the Bush-Gore electoral deadlock, and of more than 300 articles on subjects stretching from pornography to Iceland—is quoted as saying, "I have exactly the same personality as my cat. I am cold, furtive, callous, snobbish, selfish, and playful, but with a streak of cruelty." Knowing the man to be both brilliant and mean—playful with a streak of cruelty—it seems to me quite possible that *Public Intellectuals* is merely a massive 398-page, chart-filled practical joke perpetrated upon a vain intelligentsia and a credulous media, all for the perverse, cat-stroking amusement of Richard Posner.

In the book, Posner argues that the state of "public intellectuals"—the big-brained types who have some academic background or relationship and who discourse on matters of public interest (by which he means political interest, and not, say, the Tom Cruise-Nicole Kidman breakup, regardless of how vast the public's interest in that subject may be)—has declined in the years since giants like George Orwell and Albert Camus walked the earth. He thinks that the ability of the current crop of high domes to comment knowledgeably, insightfully, and cogently on a range of matters is markedly inferior, and that academic specialization is the culprit, finding that too few people are accomplished over a sufficient number of disciplines to supply intelligent commentary. "When public intellectuals comment on current affairs," he writes, "their comments tend to be opinionated, judgmental, sometimes condescending, and often waspish. They are controversialists, with a tendency to take extreme positions. Academic public intellectuals often write in a tone of conscious, sometimes exasperated intellectual superiority. Public intellectuals are often careless with facts and rash in predictions."

Sorry, but to me this is too much like saying that major-league pitching has never been the same since Sandy Koufax felt up his last rosin bag. On the one hand, the observation is so obvious that the only real reaction one can make is to mutter ruefully over how a certified big brain like Posner can turn any banal opinion into a book deal. On the other hand, the observation is worthless: Whether as a class public intellectuals are better than their predecessors or not, the only real task in their evaluation is to take them one opinion, one argument, one study at a time. Posner's acuity is far more valuable on a case-by-case basis than writ large.

PUBLIC INTELLECTUALS: A Study in Decline
by Richard A. Posner
Harvard University Press, $29.95

Although, let's face it: Posner's acuity is often pretty dense. He really does have a passage in the book which reads:

"Line S represents the supply of that work. It slopes upward to indicate that the cost of supplying public-intellectual services increases with the quantity supplied. The intersection of D and S determines the quantity of public-intellectual services produced (q) and the 'price' (p) in money and other (call it psychic) income that the producers receive. The reduction in the cost of supplying public-intellectual services could be shown in Figure 2.1 by rotating S downward from its intersection with the vertical axis. When this is done, S intersects D at a lower point, implying a lower market price and a greater output."

Surely this passage must have been included in jest—Posner allowing himself to appear to be a public intellectual so hemmed in by his specialty that he has trouble communicating with a general audience. How he must have howled when scribbling this!

The biggest joke in the book, of course, is the notorious Table 5.3, which ranks the Top 100 public intellectuals, using media mentions as the measuring stick. It is a preposterous roster. It includes people from so many disciplines and approaches as to render the term "public intellectual" so nebulous and vague that pretty much anything can be said about it. It was ridiculous of Posner to put people like George Bernard Shaw, John Steinbeck, W.H. Auden, and Lillian Hellman on the list. These aren't public intellectuals; they're dead people. Their influence on public discourse in the years 1995-2000 (the years for which Posner measured media mentions) were all mere reflections in the rear view mirror. Moreover, I'm not sure the idea of counting mentions in an Internet search engine is useful in the least, since many of George Bernard Shaw's entries on the search engine Google, where Posner took part of his count, yield little evidence of intellectual influence.

And there are flaws on the low end, too. Why is Susan Estrich here? She's an ex-political operative with a radio show who can be counted on to give a reliably Democratic slant on things. Jonathan Turley? A law professor who specialized in more-in-sorrow-than-in-anger Clinton flaying. Ann Coulter? The caffeinated anti-Clinton virago? Hey, they're all bright, articulate people, but not "intellectual" as anybody who's ever had to pass a vocabulary test would define it. Moreover, they're hardly in the same business as Thomas Friedman, Joyce Carol Oates, or Susan Sontag—none of whom are in the same business with each other! Henry Kissinger topped the list. Do you think he was there because of the amazing influence of his sporadic op-ed articles, or because he got a lot of media mentions because he used to be the secretary of state and was the subject of a number of books and shows up regularly in gossip columns whenever he goes to a black-tie dinner? Is Vaclav Havel on the list

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because of his plays? Or because he's the president of the Czech Republic?

Posner the philosopher thinks of the world as one big market. (You might call it the intellectuals-and-economics movement.) Much of this book asks what it is about the marketplace for ideas that tolerates so much bad product. He concludes that public intellectuals don't do a good job because there aren't enough consumers out there who care if they do a good job; they spout crap because we accept it. But this is not a revelation. It's already clear that there are a whole bunch of highbrows who talk only to themselves and a horde of middlebrows who simply try to out-bray one another. Posner isn't wrong to bemoan the decline of public intellectuals. Surely the world—even the world of cable television—would be better if we had more Orwells and Camuses. At his best, when writing powerful, well-reasoned arguments for a general audience, Posner is among the better public intellectuals we have. That's why you have to hope that this book, with its silly faux-scientific methodology, really is an elaborate practical joke.

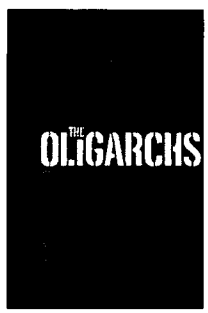
JAMIE MALANOWSKI *is a New York writer.*

Russian Toward Capitalism

By Derek Chollet

EXACTLY A DECADE AGO, THE world looked to post-Soviet Russia, then in its infancy, with a great sense of hope and possibility. Freed from the shackles of Communism, embracing democracy and market economics, Russia in the 1990s promised to be an era of rebirth. No one thought that this would be easy, but from the perspective of 1992, it looked as if Russia had all the right ingredients to succeed: a populace eager for political and economic freedom, a vibrant leader in Boris Yeltsin, and a group of young, committed, Western-oriented technocrats ready to embark on bold reforms.

Of course, as is often the case with Russia, history unfolded harshly. Far from becoming a stable democracy and market economy, Russia turned into a sort of Wild West of unbridled capitalism, where corruption reigned supreme and many aspects of life seemed to come straight out of a bad gangster movie. By the turn of the century, Russia's politics, like its economy, seemed bankrupt. Yeltsin, once the world's white knight, had come to personify his country: big, blustery, and not very healthy. Most of his bright reformers had been driven from office in disgrace. And in Washington, those American policymakers and pundits who had once looked toward Russia with optimism were reduced to presumptuous finger-pointing about how and why Russia was "lost."



THE OLIGARCHS:
Wealth and Power in the New Russia
by David Hoffman
Public Affairs, $30.00

This sad story comes to life in David Hoffman's sprawling new book, *The Oligarchs.* Hoffman, who spent the decade in Moscow as one of *The Washington Post*'s most respected foreign correspondents, focuses on the so-called "winners" of Russia's nosedive—the six business heavyweights who maneuvered to dominate Russia's politics, economy, and media. In the tradition of other recent American journalist-chroniclers of life in Russia, such as Hedrick Smith and David Remnick, Hoffman provides us with a vivid tableau of these men and their lives, showing how their ambitions shaped society and, in the end, brought Russia to the brink of collapse.

Hoffman's perspective is clearly critical of the oligarchs, but unlike other books about them, his is not a screed. In fact, what makes his work different is that, in a way, he humanizes them. In the finely sketched personality profiles of the six men in the book's opening, Hoffman shows how the roots of Russia's current condition stretch back to the Soviet era, when men like Boris Berezovsky and Vladimir Gusinsky were anonymous entrepreneurs who exploited loopholes in the Soviet economy to make fast money. Through them, we see the Soviet collapse from well below the heights of Gorbachev and perestroika as a tale of regular Joes who figured out how to out-crook a crooked system. It may seem like an obvious point now, but the fact that the legacy of Soviet corruption directly shaped Russian corruption is one that often gets lost.

This also helps explain why the course of Russian "reform" took the direction that it did. Much has been made about the fact that, in the early 1990s, Yeltsin and his aides chose to force privatization rather than first establish new regulations and reliable rules of the game, creating a kind of market anarchy that allowed the oligarchs to thrive. Hoffman clearly agrees that in retrospect this was a profound mistake, but he helps us understand the reformers' position better. After seven decades of Soviet central planning, they were determined to destroy the old state system, not recreate one. Freedom came first, rules later. Unfortunately, the reformers forgot that politics abhors a vacuum, and the oligarchs stepped in and set their own rules.

Hoffman's tale of the oligarchs' rise through elaborate Ponzi schemes and backroom machinations is dizzying. The book brims with fascinating anecdotes, all of them well told. As usual, Hoffman has done his reporting admirably, and he takes us behind the scenes to the oligarchs' meetings at the Logovaz club in Moscow's Sparrow Hills (sessions eerily reminiscent of the famous five-family pow-wow in *The Godfather*), and inside Yeltsin's innermost Kremlin circles. We see how the oligarchs first plotted to buy up state assets during privatization, corruptly engineered Yeltsin's reelection as president in 1996, and worked to assert their influence by dominating national media outlets. In all, Hoffman describes a Russia where virtually no line exists between public or private, oligarch or government, criminal or legal.

So, as many Russians now ask, *kto vinovat*? Who is to blame? Hoffman shies from fingering a single culprit, and the explanation is certainly too complex to find one. By making their fortunes on the backs of common Russians, the oligarchs themselves are a pretty unsympathetic lot. But had they not existed, would things have been any different? At one point, Hoffman resorts to a bit of historical determinism, suggesting that

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Russia's troubles were inevitable because it lacked a tradition of the rule of law.

Interestingly, Hoffman barely mentions one group of people many accuse of undermining Russian reform: Western policymakers, especially those in the Clinton administration. As someone who served in that administration's State Department, I am, of course, grateful. But the fact is that it did make some mistakes—particularly in not pushing Yeltsin harder to establish institutions and rules to regulate its economy—along with wiser moves, such as funding programs to help develop Russia's civil society and, most important, working to make its nuclear arsenal smaller and safer. Even with this mixed record, the claim that the Clinton administration somehow "lost" Russia is bunk. What's clear in Hoffman's book is that Russia took the path that it did not so much because of outside influence but because of profound pressures and flaws from within.

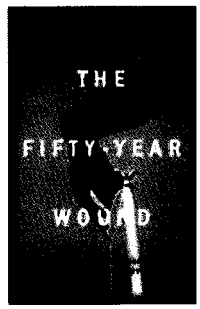
For those interested in the future of this puzzled and puzzling country, Hoffman's book could not have come at a better time. His story ends with the rise of Vladimir Putin, who has defined his presidency by discrediting the oligarch era. In fact, in late January, just weeks before this book was published, the Kremlin forced TV-6, Russia's last independent national television network, off the air. Owned by Boris Berezovsky, TV-6 had been a constant thorn in Putin's side, and its suppression is considered by many to be the final nail in the oligarchs' coffin. But Russia's problems are far from solved. Tragically, by eliminating the oligarchs through undermining the freedom of the press, Putin has simply replaced one ill with another.

DEREK CHOLLET *is a Bosch Public Policy Fellow at the American Academy in Berlin.*

Bad Company

By Jacob Heilbrunn

FEW THINGS ARE MORE COMFORTing to historians than neatly dividing up eras. "Russia, 1917-1991" or "Germany, 1815-71" fits snugly into a course catalogue. The problem with this approach, of course, is that real life isn't that tidy. History is a messy business, filled with characters whose beliefs have been shaped in one era, but emerge to influence the next. Did Konrad Adenauer, age 73 when he became Germany chancellor in 1949, represent something new or continuity with a past that predated Nazism? More recently, did Osama bin Laden and his followers signal an entirely new era—or did they have their origins in earlier U.S. policies in the Middle East and elsewhere?



THE FIFTY-YEAR WOUND
The True Price of America's Cold War Victory
by Derek Leebaert
Little, Brown & Co., $29.95

These musings are prompted by Derek Leebaert's *The Fifty-Year Wound.* Leebaert, who teaches at Georgetown University, has written a history of the Cold War that continues up to September 11. Though he doesn't say so explicitly, he does see a connection between the Cold War and the new war on terrorism. His book is an attempt to assess the efforts the U.S. made in nation-building, peacekeeping, and fighting terrorism. Above all, Leebaert focuses on the role that the CIA played during the Cold War. His account of the CIA is riveting and offers much new information about its hapless record. At a moment when the CIA has attained new importance, funds, and powers, Leebaert provides sound reasons for skepticism about its ability to fight terrorism.

Leebaert quite rightly begins by emphasizing how episodic America's attention to foreign events has been. After World War II, the U.S. demobilized as quickly as it could, even as the Soviet Union's tactics and policies became progressively more threatening to the welfare and freedom of western Europe. British foreign minister Ernest Bevin noted that "If the Americans are to be made conscious of anything, they have to be shocked into consciousness." CBS broadcaster Edward R. Murrow made much the same point in writing to an English friend: "It seems the only way to induce action in this country is through the creation of fear and hysteria." No doubt this sense of urgency prompted Harry S. Truman to seek to frighten the American people when he announced the Truman Doctrine in 1947. Leebaert does not say so, but perhaps it was this sense of urgency that led Truman and his associates to create the CIA. Nothing could be more effective than a government agency that was not subject to real oversight and could operate fullbore, with elite Ivy League graduates to boot. Thus we find the terminally morbid George F. Kennan, always pessimistic about the condition of his countrymen, particularly keen to sponsor covert action. Once they had secured the backing of the National Security Council, Leebaert observes, "Kennan and friends cobbled together a variety of catastrophic paramilitary operations" behind the rapidly descending Iron Curtain. Indeed, Leebaert quite convincingly says that "adventurous men at the newly established CIA were becoming accustomed to working in a sealed universe removed from healthy oversight."

Other bad things were happening, too, in the name of resisting subversion. The McCarran Internal Security Act, passed against Truman's veto, meant that the State Department had to enforce a 50,000-name "lookout book" that was a political-speech test at the country's borders. Security threats such as Charlie Chaplin, Yves Montand, and Arthur Koestler were kept at bay. "For sheer self-destructiveness," says Leebaert, "the U.S. security bureaucracy was unsurpassed." Leebaert notes the idea of homosexuals in government drove the security types wild. So did foreigners. Pentagon consultant Qian Xuesen was repatriated to China—where he promptly turned his talents to developing his native country's missile force.

Things didn't get better with the Kennedy administration; they got worse. JFK saw a "global civil war" in which the CIA and Green Berets should take the leading parts. According to Leebaert, "fit young commandos would regularly be invited to Hyannisport for weekends of games and exercise with the extended family. The president studied the training manuals and supervised the selection of new equipment." Leebaert reveals that "within ten days of his taking office, Kennedy had urged the CIA to launch guerrilla operations against North Vietnam." The problem was that

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Americans remained oblivious to the cultures they were dealing with, whether it was in Vietnam or Cuba. The CIA analysis of its failure at the Bay of Pigs noted, "none of the officers involved spoke Spanish or had much experience in Latin America."

It was a pattern that would repeat itself again and again. The temptation, after reading Leebaert, is to conclude that the U.S. did not so much win the Cold War as avoid losing it. Once again, it is the CIA at the frontlines of the Cold War that comes in for the most severe criticism from Leebaert. New rot set in during the Vietnam War, when station chiefs in Saigon began to demand a minimum of 300 intelligence reports per month. Case officers were evaluated and promoted based solely on the number of agents they claimed to have recruited. In a passage that could have been lifted straight out of Graham Greene's *Our Man in Havana*, Leebaert writes, "By the time CIA director James Woolsey vainly urged a semblance of quality consciousness after the Cold War, there had been a series of scandals in which top-producing case officers were discovered to have invented agents and intelligence reports." Today's CIA, led by the politically savvy George Tenet, is virtually reform-proof because the 10 percent of people who clambered to the top are the best products of this environment.

There is much more to Leebaert's splendid book than the new information he supplies about the CIA's activities. There are penetrating passages on everyone from John Foster Dulles to Ronald Reagan. But Leebaert's focus on the netherworld of intelligence activities is valuable because it suggests that the new war on terrorism may not be so new after all.

JACOB HEILBRUNN *is a member of the* Los Angeles Times *editorial board.*

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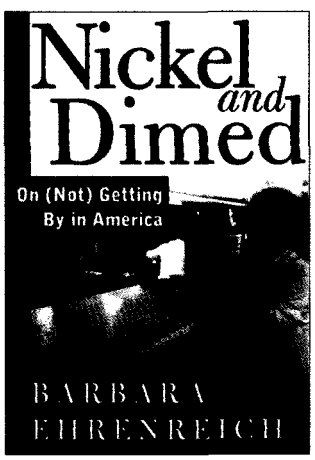

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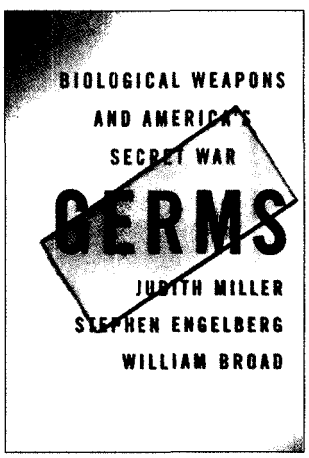

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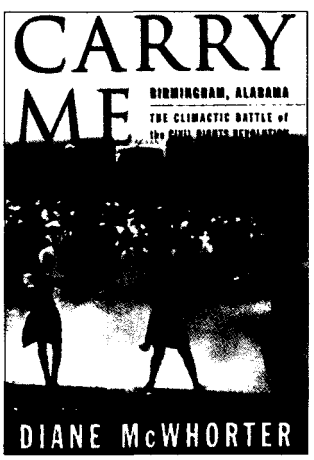

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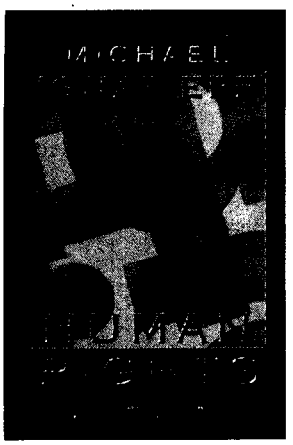

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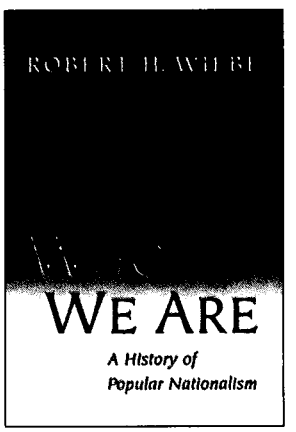

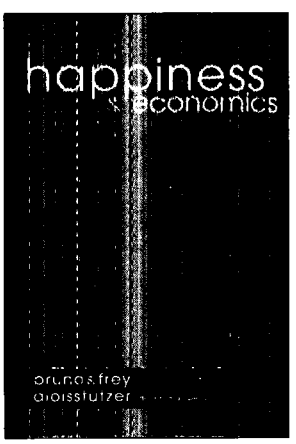

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